

Exhibit 40

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW JERSEY
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4 -----X
5 IN RE JOHNSON & JOHNSON) MDL No.
6 TALCUM POWDER PRODUCTS) 16-2738 (FLW)(LHG)
7 MARKETING SALES PRACTICES,)
8 AND PRODUCTS LIABILITY)
9 LITIGATION)
10)
11 THIS DOCUMENT RELATES TO)
12 ALL CASES)

13 -----X

14
15 VIDEOTAPED DEPOSITION OF
16 H. NADIA MOORE, Ph.D.
17 WASHINGTON, D.C.
18 THURSDAY, APRIL 4, 2019
19 8:53 A.M.

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25 Reported by: Leslie A. Todd

<p style="text-align: right;">Page 2</p> <p>1 Deposition of H. NADIA MOORE, Ph.D., held at 2 the offices of: 3 4 5 SKADDEN, ARPS, SLATE, MEAGHER & 6 FLOM, LLP 7 1440 New York Avenue, N.W. 8 Washington, DC 20005 9 (202) 371-7000 10 11 12 13 14 15 16 17 Pursuant to notice, before Leslie Anne Todd, 18 Court Reporter and Notary Public, who officiated 19 in administering the oath to the witness. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continued): 2 3 SUSAN M. SHARKO, ESQUIRE 4 DRINKER BIDDLE & REATH LLP 5 600 Campus Drive 6 Florham Park, New Jersey 07932-1047 7 (973) 549-7000 8 9 GEOFFREY M. WYATT, ESQUIRE 10 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 11 1440 New York Avenue, N.W. 12 Washington, DC 20005 13 (202) 371-7000 14 15 ON BEHALF OF THE PCPC: 16 THOMAS T. LOCKE, ESQUIRE 17 SEYFARTH SHAW LLP 18 975 F Street, N.W. 19 Washington, D.C. 20004-1454 20 (202) 463-2400 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFFS: 4 TED G. MEADOWS, ESQUIRE 5 P. LEIGH O'DELL, ESQUIRE 6 RYAN BEATTIE, ESQUIRE 7 BEASLEY, ALLEN, CROW, METHVIN, 8 PORTIS & MILES, P.C. 9 218 Commerce Street 10 Montgomery, Alabama 36103-4160 11 (334) 269-2343 12 13 RUDIE R. SOILEAU, JR., ESQUIRE 14 KRISTIE M. HIGHTOWER, ESQUIRE 15 LUNDY, LUNDY, SOILEAU & SOUTH, L.L.P. 16 501 Broad Street 17 Lake Charles, Louisiana 70601 18 (337) 439-0707 19 20 ON BEHALF OF THE JOHNSON & JOHNSON DEFENDANTS: 21 MICHAEL C. ZELLERS, ESQUIRE 22 TUCKER ELLIS LLP 23 515 South Flower Street, 42nd Floor 24 Los Angeles, California 90071-2223 25 (213) 430-3301</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (Continued): 2 3 ON BEHALF OF PHARMATECH INDUSTRIES (PTI): 4 MATTHEW P. MORIARTY, ESQUIRE 5 TUCKER ELLIS, LLP 6 950 Main Avenue, Suite 1100 7 Cleveland, Ohio 44113-7213 8 (216) 696-4835 9 10 ALSO PRESENT: 11 KATIE TUCKER, Legal Assistant (Beasley Allen) 12 DANIEL HOLMSTOCK, Videographer 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1 C O N T E N T S</p> <p>2 EXAMINATION OF H. NADIA MOORE, Ph.D. PAGE</p> <p>3 By Mr. Meadows 11</p> <p>4 By Mr. Zellers 334</p> <p>5</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 (Attached to transcript)</p> <p>9 MOORE DEPOSITION EXHIBITS PAGE</p> <p>10 No. 1 Rule 26 Report of H. Nadia Moore,</p> <p>11 Ph.D., DABT, ERT 14</p> <p>12 No. 2 Documents produced to plaintiffs</p> <p>13 4/3/2019 17</p> <p>14 No. 3 Toxic Tort and Environmental</p> <p>15 Litigation, Talc -- the Next</p> <p>16 Asbestos? Analyzing the Recent</p> <p>17 Explosion of Talc Related Claims 113</p> <p>18 No. 4 ACI Document, Toxic Tort &</p> <p>19 Environmental Litigation, June 21-</p> <p>20 23, 2017, Chicago, IL 113</p> <p>21 No. 5 Document headed "William Long, Ph.D.</p> <p>22 Material Scientist" 156</p> <p>23 No. 6 Document headed "Ghassan Saed, Ph.D.</p> <p>24 Obstetrics, Gynecology, and Ovarian</p> <p>25 Cancer" 160</p>	<p style="text-align: right;">Page 8</p> <p>1 E X H I B I T S</p> <p>2 (Attached to transcript)</p> <p>3 MOORE DEPOSITION EXHIBITS PAGE</p> <p>4 No. 14 Article entitled "Asbestos</p> <p>5 (Chrysotile, Amosite, Crocidolite,</p> <p>6 Tremolite, Actinolite, and</p> <p>7 Anthophyllite)" 249</p> <p>8 No. 15 OSHA Safety and Health Topics,</p> <p>9 Asbestos 267</p> <p>10 No. 16 Document Bates DAN 01081, attaching</p> <p>11 NIOSH Notes 268</p> <p>12 No. 17 Rule 26 Report of Michael M. Crowley,</p> <p>13 Ph.D. Regarding the Fragrance</p> <p>14 Chemical Constituents in Johnson &</p> <p>15 Johnson Talcum Powder Products 296</p> <p>16 No. 18 Appendix E, Photographs of Baby</p> <p>17 Powder Products and Their Warnings 301</p> <p>18 No. 19 Dr. Carson's report (retained by</p> <p>19 counsel for J&J) 323</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 7</p> <p>1 E X H I B I T S</p> <p>2 (Attached to transcript)</p> <p>3 MOORE DEPOSITION EXHIBITS PAGE</p> <p>4 No. 7 Draft Screening Assessment, Talc,</p> <p>5 Chemical Abstracts Service Registry</p> <p>6 Number 14807-96-6, Environment</p> <p>7 And Climate Change Canada Health</p> <p>8 Canada, December 2018 168</p> <p>9 No. 8 Article entitled "Molecular Basis</p> <p>10 Supporting the Association of Talcum</p> <p>11 Powder Use With Increased Risk of</p> <p>12 Ovarian Cancer" 178</p> <p>13 No. 9 Demonstrative created during</p> <p>14 deposition, headed "Expert" 204</p> <p>15 No. 10 Letter from FDA to Samuel Epstein,</p> <p>16 Dated April 1, 2014 213</p> <p>17 No. 11 Article entitled "Safety Assessment</p> <p>18 of Talc as Used in Cosmetics" 210</p> <p>19 No. 12 Ultrastructural Pathology article</p> <p>20 "Correlative polarizing light and</p> <p>21 scanning electron microscopy for</p> <p>22 the assessment of talc in pelvic</p> <p>23 region lymph nodes" 232</p> <p>24 No. 13 National Cancer Institute, Ovarian</p> <p>25 Cancer Prevention 241</p>	<p style="text-align: right;">Page 9</p> <p>1 P R O C E E D I N G S</p> <p>2 -----</p> <p>3 MS. O'DELL: Last night at 6:56, :57</p> <p>4 p.m., we received a response to the notice of</p> <p>5 deposition, and attached to it were materials that</p> <p>6 had not previously been provided to plaintiffs,</p> <p>7 including a new reliance list, 21 pages of</p> <p>8 literature and other references, the majority of</p> <p>9 which had not previously been disclosed.</p> <p>10 In addition, there was a multi-page</p> <p>11 analysis of drill cores and other geologic</p> <p>12 documents that have never been produced to the</p> <p>13 plaintiff. There were two analyses of fragrance</p> <p>14 chemicals that were approximately 20 pages, all of</p> <p>15 which plaintiffs had no time essentially to</p> <p>16 evaluate for purposes of the deposition today.</p> <p>17 Therefore, we will move to have additional time</p> <p>18 with Dr. Moore in order to examine her on these</p> <p>19 particular areas.</p> <p>20 MR. ZELLERS: I will just state for the</p> <p>21 record, in response, that I was at a number of the</p> <p>22 depositions of the plaintiffs' experts, five</p> <p>23 different depositions, and at each of those</p> <p>24 depositions I was presented with the materials for</p> <p>25 that witness right at the start of the deposition.</p>

<p style="text-align: right;">Page 10</p> <p>1 So I'll say that for the record, and 2 then we can talk about it later. 3 MS. O'DELL: We can present this to -- 4 if we can't reach an agreement, I'm hoping we can, 5 because as you both know -- Mike and Susan knows 6 -- there was additional time for certain 7 plaintiffs' experts when there were analyses that 8 were produced at the deposition. We're going to 9 take that position in this case. 10 And the instances you're talking about 11 were a couple of articles, and certainly not 12 multi-page analyses that had not previously been 13 provided. 14 MS. SHARKO: We disagree. We will 15 oppose vigorously any effort for you to get more 16 time. I submit that there's not all that much new 17 stuff in there. 18 MS. O'DELL: Well, we will present it to 19 Judge Pisano and let him decide. 20 THE VIDEOGRAPHER: We are now on the 21 record. My name is Daniel Holmstock. I'm the 22 videographer for Golkow Litigation Services. 23 Today's date is April 4th, 2019, and the time on 24 the video screen is 8:56 a.m. 25 This video deposition is being held at</p>	<p style="text-align: right;">Page 12</p> <p>1 A I have. 2 Q Okay. How many times have you given a 3 deposition? 4 A Once. 5 Q Okay. And I believe that's referenced 6 in the materials that you've given to us? 7 A It's -- yes. 8 Q The case that you were involved in? 9 A Yes. 10 Q And have you ever testified in court 11 before? 12 A Yes. 13 Q How many times? 14 A Once. 15 Q And was that the same case? 16 A It was. 17 Q Okay. We'll talk about that case a 18 little bit later when we get to your materials. 19 I'm sure your lawyers have told you that 20 I've got a lot -- probably have a number of 21 questions to ask you today. I'll try to be as 22 clear as I can. If you think I'm not clear, 23 you're welcome to -- to tell me that you're not 24 understanding my question, and I'll do my best 25 to -- to rephrase it for you.</p>
<p style="text-align: right;">Page 11</p> <p>1 Skadden, Arps at 1440 New York Avenue, Northwest, 2 Washington, D.C., in the matter of In Re: 3 Johnson & Johnson Talcum Powder Products, 4 Marketing, Sales Practices, and Products Liability 5 Litigation, MDL No. 2738, pending before the 6 United States District Court for the Eastern 7 District of New Jersey. 8 Our deponent today is Dr. H. NADIA 9 MOORE. 10 Counsel will be noted for appearances on 11 the stenographic record. 12 The court reporter is Leslie A. Todd, 13 who will now administer the oath. 14 H. NADIA MOORE, Ph.D., 15 and having been first duly sworn, 16 was examined and testified as follows: 17 DIRECT EXAMINATION 18 BY MR. MEADOWS: 19 Q Good morning, Dr. Moore. 20 A Good morning. 21 Q My name is Ted Meadows. We met briefly 22 before the deposition started, and I'm here to ask 23 you some questions today. 24 I -- just curious, have you ever given a 25 deposition before?</p>	<p style="text-align: right;">Page 13</p> <p>1 I'll tell you up front, I have been 2 wrestling with a head cold for -- it seems like 3 for weeks, and these beautiful cherry blossoms in 4 D.C., as much as I like looking at them, they may 5 be messing with me a little bit as well. So as 6 the day goes on, I might be coughing, I might be 7 clearing my throat, things like that, and I 8 apologize for that ahead of time. 9 Okay? 10 A Sure. 11 Q I guess the first thing I'd like to do 12 is get your -- your full name. 13 A Hope Alexandria Moore. I go by H. NADIA 14 MOORE. 15 Q Okay. And where do you live? 16 A I live in Washington state. 17 Q How long have you lived there? 18 A Decades. 19 Q Are you originally from Washington 20 state? 21 A I moved there when I was a small child. 22 Q Okay. And you work there as well? 23 A I do. 24 Q Okay. I tell you what, let's go ahead 25 and mark your report.</p>

<p style="text-align: right;">Page 14</p> <p>1 (Moore Exhibit No. 1 was marked 2 for identification.) 3 BY MR. MEADOWS: 4 Q I've marked as Exhibit 1 what is 5 identified as -- well, your Rule 26 report, 6 Dr. Moore. 7 Do you recognize that? 8 A I do. 9 Q Okay. And that's your signature on the 10 front? 11 A It is. 12 Q Okay. And this was apparently signed by 13 you, if we look at the first page. It appears it 14 was signed by you on March 25th of this year, 15 correct? 16 A No. Sorry, you said March. 17 Q Excuse me. February 25th of this year. 18 A Correct. 19 MR. ZELLERS: That was a test. 20 MR. MEADOWS: Yeah, an inadvertent one. 21 BY MR. MEADOWS: 22 Q Okay. And so this report reflects your 23 opinions in this case; is that correct? 24 A Yes, it does. 25 Q And is it a complete recitation of your</p>	<p style="text-align: right;">Page 16</p> <p>1 this is -- this is my opinion. 2 Q Okay. 3 A These represent my opinions. 4 Q All right. And the opinions that you've 5 expressed in this report that we've marked as 6 Exhibit 1, you've also referenced either in the 7 report or in an attachment to the report marked 8 as -- 9 MR. MEADOWS: References, I don't see it 10 on here. Okay. Excuse me. 11 BY MR. MEADOWS: 12 Q On page 5 of your report -- 13 A Yes. 14 Q -- you have a list of -- and it's 15 paragraph D there, a list of materials received 16 for review. Do you see what I'm talking about? 17 A Correct. 18 Q And are those the materials that you 19 reviewed in order to reach the opinions you have 20 in this case? 21 A So these were the materials that I 22 received from the attorneys in this case. 23 Q Okay. Does that represent all of the 24 materials that you reviewed in order to reach the 25 opinions expressed in this report?</p>
<p style="text-align: right;">Page 15</p> <p>1 opinions in this case? 2 MR. ZELLERS: Objection. Form. 3 THE WITNESS: So it's the opinions that 4 I had when I wrote the report, yes. 5 BY MR. MEADOWS: 6 Q Okay. Do you have new opinions? 7 A Not that I know of, no. 8 Q Okay. Well, if you do, I need to know 9 about it, so -- 10 A Yes. 11 Q So my question is, does this report 12 represent the -- the whole of your opinions in 13 this case? 14 MR. ZELLERS: Object to form. 15 THE WITNESS: Well, it represents 16 everything that -- that I know that -- everything 17 that I understood to be the scientific matter, and 18 what you may ask me today may change my opinions. 19 BY MR. MEADOWS: 20 Q Okay. You're saying that if I present 21 you with some evidence today that suggests that 22 your opinions are incorrect, that you're willing 23 to change your opinions? 24 A Well, I think in general as a scientist, 25 I always have to evaluate new data, but right now</p>	<p style="text-align: right;">Page 17</p> <p>1 A No. 2 Q Okay. Well, where would I find the -- a 3 reference to the materials that -- any additional 4 materials you reviewed in order to reach your 5 opinions in this case? 6 A So the -- the -- the references that are 7 cited in the footnotes in the report were used to 8 reach my opinions in this case, as well as there's 9 a -- I apologize, I don't know the exact name of 10 the supplemental list that was distributed. 11 Q Okay. So you're -- you just refer -- 12 referenced a supplemental list. Is that the list 13 that was provided to us last night? 14 A I'm not sure. I believe it is. 15 Q Okay. So last night I received -- or 16 Ms. O'Dell, my law partner, received an e-mail 17 from Katherine McBeth at 5:57 p.m. -- 18 MS. O'DELL: Central Time. 19 BY MR. MEADOWS: 20 Q -- Central Time that attaches -- I tell 21 you what, let's mark this. 22 (Mr. Meadows and Ms. Tucker conferring.) 23 (Moore Exhibit No. 2 was marked 24 for identification.) 25 BY MR. MEADOWS:</p>

<p style="text-align: right;">Page 18</p> <p>1 Q All right. So that's Exhibit 2 that</p> <p>2 I've marked.</p> <p>3 MR. ZELLERS: Mr. Meadows, Exhibit 2 is</p> <p>4 the cover -- cover e-mail, and then with the</p> <p>5 attachments. Is that --</p> <p>6 MR. MEADOWS: Correct. That's what we</p> <p>7 received last night.</p> <p>8 MR. ZELLERS: And there were a number of</p> <p>9 attachments, I guess six attachments?</p> <p>10 MR. MEADOWS: There were a lot.</p> <p>11 MR. ZELLERS: Okay.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q So you're -- Dr. Moore, are you familiar</p> <p>14 with the materials I just handed to you?</p> <p>15 A (Peruses document.)</p> <p>16 MR. ZELLERS: And before she responds, I</p> <p>17 don't think she's familiar with the cover letter,</p> <p>18 but she can answer as to everything else.</p> <p>19 MR. MEADOWS: You're referring to the</p> <p>20 cover e-mail?</p> <p>21 MR. ZELLERS: Yeah, the cover e-mail.</p> <p>22 MR. MEADOWS: Okay.</p> <p>23 THE WITNESS: So I didn't go through</p> <p>24 obviously every page, but I am -- it seems like</p> <p>25 I'm familiar with the materials minus the cover</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. ZELLERS: Well --</p> <p>2 THE WITNESS: I mean, or do they need to</p> <p>3 stay in order?</p> <p>4 MR. ZELLERS: There should be a cover</p> <p>5 page to that.</p> <p>6 THE WITNESS: Yeah. So this document,</p> <p>7 it looks like maybe 20 pages in.</p> <p>8 MR. ZELLERS: You tell us the title.</p> <p>9 THE WITNESS: Sure. It's a "Complete</p> <p>10 List of Materials Reviewed and Considered by</p> <p>11 H. Nadia Moore, PhD, DABT, ERT, as of April 3rd,</p> <p>12 2019."</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q Okay. And how can I tell which ones you</p> <p>15 reviewed before you wrote the report dated</p> <p>16 February 25th of 2019?</p> <p>17 A So the ones that are marked with an</p> <p>18 asterisk, the asterisk is defined on each page as</p> <p>19 "Reviewed after February 25th report issued."</p> <p>20 Q Where am I going to find this asterisk?</p> <p>21 Is it going to be on the left or the right of</p> <p>22 each --</p> <p>23 A It's after each one. So if you -- the</p> <p>24 easiest example is to go to the end of the</p> <p>25 document on page 21, and there's the expert</p>
<p style="text-align: right;">Page 19</p> <p>1 e-mail.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Okay. And so you're -- you're saying</p> <p>4 that those materials that are found in Exhibit 2,</p> <p>5 with the exception of the -- the cover e-mail, are</p> <p>6 ones that you reviewed -- materials you reviewed</p> <p>7 in order to reach the opinions that you expressed</p> <p>8 in your report as reflected in Exhibit 1 and dated</p> <p>9 February 25th of 2019.</p> <p>10 MR. ZELLERS: Objection. Misstates her</p> <p>11 testimony.</p> <p>12 THE WITNESS: Okay. So -- sorry, I</p> <p>13 missed the question, I guess.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Okay.</p> <p>16 MR. ZELLERS: Well, and Mr. -- you know,</p> <p>17 there's a section of the materials that have been</p> <p>18 produced, which I believe tried to be a</p> <p>19 comprehensive list of all the materials that she</p> <p>20 has reviewed with anything that she reviewed after</p> <p>21 she issued her report having an asterisk so you</p> <p>22 would be able to distinguish that.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q Okay. Well, why don't you show me that.</p> <p>25 A Can I take these out of order?</p>	<p style="text-align: right;">Page 21</p> <p>1 reports that were received in this matter that I</p> <p>2 received after I issued my report, and they all</p> <p>3 have asterisks on the back. I think if you print</p> <p>4 this in color, the asterisks are actually like a</p> <p>5 reddish color so they'll stand out.</p> <p>6 Q So you're saying that everything that</p> <p>7 does not have an asterisk next to it, you reviewed</p> <p>8 before you drafted and signed your report dated</p> <p>9 February 25th of 2019?</p> <p>10 A I reviewed it to some extent, yes.</p> <p>11 Q Okay. To some extent? Tell me what you</p> <p>12 mean by that.</p> <p>13 A So when you say "read," I don't know</p> <p>14 that I agree with that connotation. "Read" to me</p> <p>15 make -- makes it sound like I analyzed it and</p> <p>16 evaluated the references. It was material that I</p> <p>17 considered when I -- before I issued my report.</p> <p>18 Q Well, are there any of these materials</p> <p>19 you did not read in total?</p> <p>20 MR. ZELLERS: Objection. Form.</p> <p>21 THE WITNESS: I don't know what you mean</p> <p>22 "in total."</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q Well, I mean, are there -- can you tell</p> <p>25 me which ones you read the entire material? For</p>

<p style="text-align: right;">Page 22</p> <p>1 each entry you have here, can you tell me which 2 ones you read in total?</p> <p>3 A So I think we'd have to go through each 4 one, and I can look at it and give you my opinion.</p> <p>5 Q With respect to those materials, did 6 you -- have you at any point in time since you 7 signed your report read the -- the entire 8 reference material?</p> <p>9 MR. ZELLERS: Objection. Form.</p> <p>10 THE WITNESS: I don't understand the 11 question.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Okay. Well, you -- you've -- I'm under 14 the impression that there are certain items in 15 here that you have read and studied thoroughly and 16 others that you have not.</p> <p>17 So my question is, can you tell me -- 18 well, have you since the signing of your report 19 gone back and read in total everything that you're 20 now telling us that is a reference material?</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 THE WITNESS: So, again, I just -- I 23 don't understand the question.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Okay. Let me ask you this: Did this</p>	<p style="text-align: right;">Page 24</p> <p>1 THE WITNESS: So I think I said that I 2 had reviewed the materials at the time of the 3 report. So I -- I guess I don't understand your 4 question.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Yeah, and I -- I'm not understanding 7 what you did and didn't do as of the time you 8 signed your report and what you've done since.</p> <p>9 A Okay. As of the time I signed my 10 report, I reviewed the references that did not 11 have a star. Since then I've gone back and 12 reviewed some references that I had already 13 reviewed.</p> <p>14 Q Okay. So you've gone back and reviewed 15 some references that you had already reviewed. 16 Now, that -- that throws me off.</p> <p>17 A I don't understand why.</p> <p>18 Q Okay. Well, what prompted you to review 19 these -- these new materials that we were provided 20 with last night?</p> <p>21 A So I didn't review -- there's very few 22 new materials on my list.</p> <p>23 Q Okay. That's not my question. There 24 are some new materials on your -- on your list you 25 gave us last night, right?</p>
<p style="text-align: right;">Page 23</p> <p>1 list that you provided yesterday to us, did it 2 exist as of the date you signed this report on 3 February 25th, 2019?</p> <p>4 A The list as it -- as it is written?</p> <p>5 Q Did it exist in any form?</p> <p>6 A Well, I guess I -- what do you mean "in 7 any form"? It's a list of materials that I 8 reviewed, so --</p> <p>9 Q Okay. But my question is -- I'm having 10 a hard time understanding what you have reviewed 11 before you signed your report and what you 12 reviewed since. Can you explain that to me?</p> <p>13 A So --</p> <p>14 MR. ZELLERS: Go ahead.</p> <p>15 THE WITNESS: So the materials that I 16 reviewed before my report are the ones without an 17 asterisk on this list.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Okay. And so did this list -- even 20 though you may not have reviewed the materials as 21 of the time you signed the report, did the list in 22 some way, shape or form exist at the time you 23 signed the report?</p> <p>24 MR. ZELLERS: Objection. Misstates her 25 testimony.</p>	<p style="text-align: right;">Page 25</p> <p>1 A What --</p> <p>2 Q I mean you've identified them --</p> <p>3 A -- what is the definition of new, I 4 guess?</p> <p>5 Q Well, the ones that have an asterisk 6 next to them.</p> <p>7 A Okay.</p> <p>8 Q Okay. What prompted you to consider 9 those materials since you -- since you wrote this 10 report in February?</p> <p>11 MR. ZELLERS: Well, and let me just 12 instruct you not to get into any discussions 13 between the attorneys and yourself, but with that 14 caveat, please answer Mr. Meadows' question.</p> <p>15 THE WITNESS: Okay. I want to refresh 16 myself with the question.</p> <p>17 Okay. So the question was what prompted 18 me to consider those materials since you wrote the 19 report, and most of the materials that were newly 20 considered were expert reports that were written 21 in this matter.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q I understand that.</p> <p>24 My question is, what prompted you to -- 25 to read those since you wrote -- wrote your</p>

<p style="text-align: right;">Page 26</p> <p>1 report?</p> <p>2 A I wanted to understand what the other</p> <p>3 experts were -- what their opinions were.</p> <p>4 Q Okay. What prompted you to want to --</p> <p>5 to know what these other experts were saying?</p> <p>6 MR. ZELLERS: And again, I'm going to</p> <p>7 instruct the witness not to get into any</p> <p>8 discussions between counsel and the witness. If</p> <p>9 she can answer that question without that, please</p> <p>10 go ahead.</p> <p>11 THE WITNESS: So I don't know how to</p> <p>12 answer that, I guess. Is that -- so I mean the</p> <p>13 reports were supplied to me by the attorneys in</p> <p>14 this matter.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Okay. So the lawyers prompted you to</p> <p>17 read it?</p> <p>18 MR. ZELLERS: Objection. I -- misstates</p> <p>19 her testimony, but I don't want her -- and I will</p> <p>20 tell you, please, don't get into conversations</p> <p>21 between counsel and yourself.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q I'm not asking you what the lawyers</p> <p>24 said. I'm just asking you what prompted you to</p> <p>25 read this material.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Dr. Moore, let me just ask you --</p> <p>2 A Sure.</p> <p>3 Q -- without looking, can you tell me</p> <p>4 whether or not there's medical literature on this</p> <p>5 list that's marked with an asterisk?</p> <p>6 A So how --</p> <p>7 Q I'm not asking him. I'm asking you --</p> <p>8 A Sorry, I didn't want to cut him off.</p> <p>9 Q -- can you tell me without looking at</p> <p>10 that list whether there's medical literature</p> <p>11 that's marked with an asterisk on that list?</p> <p>12 MR. ZELLERS: Objection. Form.</p> <p>13 THE WITNESS: So how would you define</p> <p>14 "medical literature"?</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q How do you define "medical literature"</p> <p>17 as a professional?</p> <p>18 A I'm just asking so I'm accurate in</p> <p>19 response.</p> <p>20 Q Okay. Well, you tell me how you would</p> <p>21 define it.</p> <p>22 A Something that relates -- I mean it's</p> <p>23 very vague in general. Right? So I would say</p> <p>24 almost all of this literature is medical, so I was</p> <p>25 trying to understand what -- what asterisk you</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. ZELLERS: And I believe that gets</p> <p>2 into discussions between counsel and the -- the</p> <p>3 witness.</p> <p>4 Can you add anything more to your</p> <p>5 previous answer?</p> <p>6 THE WITNESS: I think I've already</p> <p>7 answered the question.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Now, so far you've kind of answered</p> <p>10 these questions as if this is all about reports</p> <p>11 generated in this litigation, but it's not just</p> <p>12 reports generated in this litigation that you've</p> <p>13 read since you signed your report on</p> <p>14 February 25th, 2019, right?</p> <p>15 A Correct.</p> <p>16 Q I mean, there -- there are -- there's</p> <p>17 medical literature in here, right?</p> <p>18 A Well, you have to show me which one.</p> <p>19 Q I don't. I'm just asking you, is there</p> <p>20 medical literature that you marked with an</p> <p>21 asterisk?</p> <p>22 MR. ZELLERS: So take your time and look</p> <p>23 at it, and answer Mr. Meadows' question.</p> <p>24 THE WITNESS: (Peruses document.)</p> <p>25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 29</p> <p>1 were --</p> <p>2 Q Okay. So my question is, can you tell</p> <p>3 me, without looking, whether there's any asterisks</p> <p>4 next to medical literature on that list?</p> <p>5 MR. ZELLERS: Objection. Form. It's</p> <p>6 not a memory test.</p> <p>7 THE WITNESS: So there are asterisks on</p> <p>8 this list that's related to publications from</p> <p>9 PubMed.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Okay.</p> <p>12 A That's --</p> <p>13 Q And what prompted you to look at that --</p> <p>14 those materials?</p> <p>15 MR. ZELLERS: Same instruction, not to</p> <p>16 identify communications with counsel.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q And I'm not asking you what lawyers</p> <p>19 said --</p> <p>20 A So --</p> <p>21 Q -- or what you said to lawyers.</p> <p>22 I'm asking you, what prompted you to</p> <p>23 look at that -- at that medical literature that's</p> <p>24 marked with an asterisk?</p> <p>25 A So I can't remember why I looked at</p>

<p style="text-align: right;">Page 30</p> <p>1 medical literature, but I can tell you that a lot 2 of what I did was based on reviewing some of the 3 depositions in this matter and understanding what 4 was -- what discussions were being engaged. 5 Q And when did that list come into 6 existence? 7 MR. ZELLERS: Foundation. She may not 8 know. 9 But when did you first see this list? 10 Is that fair? Or -- or -- 11 MR. MEADOWS: Sure. 12 BY MR. MEADOWS: 13 Q When did you first see that list? 14 A So in its entirety or as a draft? 15 Q As we're looking at it here. I mean, 16 I -- we've looked at it several times now. 17 A Right. 18 Q When did this come into existence? When 19 did you first see it? 20 A So -- so we finished this list 21 yesterday. 22 Q Okay. When you say "we," who are you 23 talking about? 24 A So I started the list, my office helped 25 me prepare it, and then the attorneys also helped</p>	<p style="text-align: right;">Page 32</p> <p>1 A Correct. 2 Q Okay. So -- 3 A I just thought you meant in litigation 4 in general. 5 Q I mean this case that you wrote a report 6 for on February 25th, 2019. 7 A So she's been helping me since the 8 beginning. 9 Q Since the beginning. And when was the 10 beginning? 11 A I think the attorneys first contacted me 12 the end of November. 13 Q And what attorneys contacted you? 14 A Ms. Curry. 15 Q Ms. Curry? 16 A Mm-hmm. 17 Q Of -- and this was the end of November 18 of 2018? 19 A Of 2018. 20 Q Who is Ms. Curry? 21 A She is the attorney that's involved in 22 this litigation. 23 Q Okay. Did you know Ms. Curry before she 24 reached out to you? 25 A I did not.</p>
<p style="text-align: right;">Page 31</p> <p>1 put some of the reports and depositions into it. 2 Q Okay. So tell me who at your office 3 participated and which of the lawyers participated 4 in creating this list. 5 MR. ZELLERS: And foundation as to the 6 lawyers. 7 But go ahead. 8 THE WITNESS: So myself and Jennifer 9 Hobden at my office. 10 BY MR. MEADOWS: 11 Q Okay. Who is Jennifer Hobden? 12 A She is a toxicologist at Veritox. 13 Q How do you spell her last name? 14 A H-O-B-D-E-N. 15 Q Okay. And you said she is a 16 toxicologist at Veritox? 17 A Correct. 18 Q And how long has she been working there? 19 A Longer than I have. 20 Q And how involved has she been in -- in 21 this litigation? 22 A I don't understand the question. 23 What -- define "this litigation." 24 Q You understand you're testifying in the 25 talcum powder litigation?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Had you had any involvement in the -- 2 this -- the subject matter that is involved in 3 this litigation before Ms. Curry reached out to 4 you? 5 A I did. 6 Q Tell me about that. 7 A So I had given a presentation at the -- 8 at an ACI conference in the summer of 2017. 9 Q And so we'll talk about that a little 10 bit more in a little bit. 11 I think you actually provided us with 12 your PowerPoint slides from that conference; is 13 that correct? 14 A Correct. 15 Q And before you presented at that 16 conference in the summer of 2017, had you been 17 involved at all in the subject matter that is the 18 basis of this litigation? 19 A So I had obviously done research for 20 that presentation but had not been involved in the 21 litigation. 22 Q You had done research for the 23 presentation. 24 A Correct. 25 Q Okay. But prior to your preparation for</p>

<p style="text-align: right;">Page 34</p> <p>1 that presentation, had you been involved in doing</p> <p>2 any research in -- in the subject matter that is</p> <p>3 the basis of this litigation?</p> <p>4 A Beyond reading the occasional article,</p> <p>5 no.</p> <p>6 Q And what would have prompted you to read</p> <p>7 the occasional article?</p> <p>8 A Just as part of my general scientific</p> <p>9 reading.</p> <p>10 Q Okay. Now, going back to those who</p> <p>11 assisted you in coming up with this list that</p> <p>12 we've been talking about. Jennifer Hobden at</p> <p>13 Veritox was involved, right?</p> <p>14 A Correct.</p> <p>15 Q Anybody else at Veritox involved?</p> <p>16 A No. I don't believe so.</p> <p>17 Q Has anybody else at Veritox been</p> <p>18 involved beyond the preparation of this list? And</p> <p>19 I mean has anybody else at Veritox been involved</p> <p>20 in -- in helping you understand the literature,</p> <p>21 doing legwork for you to -- to gather materials,</p> <p>22 any -- any involvement by anyone else at Veritox</p> <p>23 that has helped you prepare for this -- your</p> <p>24 participation in this litigation?</p> <p>25 A Yes, I have had some staff members help</p>	<p style="text-align: right;">Page 36</p> <p>1 litigation?</p> <p>2 A So there's been other people that have</p> <p>3 been involved. Those are the main people that I</p> <p>4 can recall right now.</p> <p>5 Q All right. What lawyers were involved</p> <p>6 in helping you put this list together?</p> <p>7 MR. ZELLERS: Foundation objection.</p> <p>8 If you know.</p> <p>9 THE WITNESS: So I worked with -- I</p> <p>10 think a paralegal in putting this together.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q A paralegal.</p> <p>13 A Yeah.</p> <p>14 Q And what was her -- what was his or her</p> <p>15 name?</p> <p>16 A Tara, and I'm blanking on the last name.</p> <p>17 Q Okay. So no lawyers worked directly</p> <p>18 with you to compile this list?</p> <p>19 A Well, there was a lawyer obviously</p> <p>20 involved with Tara. I don't know what her</p> <p>21 involvement was with the list.</p> <p>22 Q What was her -- what was her name?</p> <p>23 A Jessica Miller.</p> <p>24 Q And once this list was -- well, let me</p> <p>25 ask you this: Was -- let me make sure I get this</p>
<p style="text-align: right;">Page 35</p> <p>1 me.</p> <p>2 Q Okay. And who -- who are they?</p> <p>3 A So Lara, L-A-R-A, Diener, D-I-E-N-E-R.</p> <p>4 Brianna Bennett.</p> <p>5 Q Okay.</p> <p>6 A And Rebecca Ticknor, T-I-C-K-N-O-R.</p> <p>7 Q Okay. Anybody else?</p> <p>8 A Those -- probably, but those are the</p> <p>9 main people.</p> <p>10 Q And what have they done to assist?</p> <p>11 A They helped me do literature searches</p> <p>12 and to compile references, and that type of thing.</p> <p>13 Q Okay. And Jennifer Hobden, is -- is she</p> <p>14 a Ph.D.?</p> <p>15 A No.</p> <p>16 Q Okay. Is she the only non-staff member</p> <p>17 who's assisted you in this regard at Veritox?</p> <p>18 A Sorry, I didn't understand.</p> <p>19 Q Yeah. So far you've given me four</p> <p>20 names, Jennifer Hobden, Lara -- I think Diener,</p> <p>21 Diner (phonetic) --</p> <p>22 A Right.</p> <p>23 Q -- Brianna Bennett, Rebecca Ticknor.</p> <p>24 Are there any other people who have been involved</p> <p>25 from Veritox in assisting you in any way in this</p>	<p style="text-align: right;">Page 37</p> <p>1 correct here.</p> <p>2 So this list originated at -- with you</p> <p>3 at Veritox, or did it originate with the lawyers</p> <p>4 that are involved in this case?</p> <p>5 A It originated with me.</p> <p>6 Q And so did you write out -- handwrite</p> <p>7 out a list or type a list that you gave to the</p> <p>8 lawyers?</p> <p>9 A No. I typed out this list that I --</p> <p>10 Q You typed out this list that I have in</p> <p>11 front of me right --</p> <p>12 A Very similar to that list, a first</p> <p>13 draft.</p> <p>14 Q So you typed out a draft, and then you</p> <p>15 submitted it to the lawyers.</p> <p>16 A Correct.</p> <p>17 Q And then the lawyers added some more</p> <p>18 materials to the list.</p> <p>19 A So I had discussions with the</p> <p>20 attorney -- with Tara, and whether or not we were</p> <p>21 going to add all the expert reports or not, and</p> <p>22 she said she had a list, and so she just cut and</p> <p>23 pasted that list, the reports that I had received.</p> <p>24 Q Okay. And how do I know which materials</p> <p>25 on the list were ones that were originally on your</p>

<p style="text-align: right;">Page 38</p> <p>1 list and those that the lawyers put on?</p> <p>2 A The lawyers put on the ones that the --</p> <p>3 the expert reports and -- and depositions.</p> <p>4 Q Okay. Did the lawyers add any of the</p> <p>5 medical literature that we found on there that has</p> <p>6 an asterisk on it?</p> <p>7 MR. ZELLERS: Objection. Form.</p> <p>8 Okay. I do not want you to get into any</p> <p>9 discussions with lawyers.</p> <p>10 So I think that calls for a privileged</p> <p>11 communication as to what her discussions with the</p> <p>12 lawyers were.</p> <p>13 MR. MEADOWS: Okay. Well --</p> <p>14 MR. ZELLERS: I mean she's answered your</p> <p>15 question. I've let her go in terms of answering</p> <p>16 the question, but I'm going to instruct her not to</p> <p>17 answer that question.</p> <p>18 MR. MEADOWS: Well, I'm trying to find</p> <p>19 out what she considered important in reviewing,</p> <p>20 and I'm not -- unless she can give me her list</p> <p>21 that she created that she gave to the lawyers, I</p> <p>22 have no way of knowing which ones she thought were</p> <p>23 important and which ones the lawyers thought were</p> <p>24 important.</p> <p>25 MR. ZELLERS: Well, she has said the</p>	<p style="text-align: right;">Page 40</p> <p>1 that you have expressed in your report?</p> <p>2 MR. ZELLERS: Objection. Form.</p> <p>3 THE WITNESS: So it's hard for me to put</p> <p>4 an importance asterisk on each reference. My</p> <p>5 report has references in it that I selected to</p> <p>6 include. These are all the references that I</p> <p>7 considered in making my report.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Okay. And my question is, how did you</p> <p>10 go about deciding what you were going to put on</p> <p>11 that list?</p> <p>12 A So these were the references that I had</p> <p>13 reviewed when I -- when I wrote the report.</p> <p>14 Q I understand. Why did you decide to</p> <p>15 review those and how did you make the decision</p> <p>16 that that was going to be the materials that you</p> <p>17 would review in order to render your opinions in</p> <p>18 this case?</p> <p>19 MR. ZELLERS: Objection. Form, vague.</p> <p>20 THE WITNESS: So, my job, as I saw it --</p> <p>21 my task was to evaluate the scientific literature</p> <p>22 that was related to this issue. As part of that,</p> <p>23 I identified a lot of articles that I considered</p> <p>24 as part of my opinion, and that's what's reflected</p> <p>25 in this.</p>
<p style="text-align: right;">Page 39</p> <p>1 lawyers added the depositions, but I am sure she</p> <p>2 can go through this list and identify for you each</p> <p>3 of the references, whether it came from her office</p> <p>4 or not.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Do you still have the list that you gave</p> <p>7 the lawyers?</p> <p>8 A I don't know.</p> <p>9 Q Okay. If you do, will you give it to</p> <p>10 us?</p> <p>11 MR. ZELLERS: Okay. Objection. I'll --</p> <p>12 you know, you can make whatever request you want</p> <p>13 of counsel, and we will respond.</p> <p>14 Well, yes, I mean I do believe it would</p> <p>15 be a privileged draft because this is part of her</p> <p>16 report, and the rule's clear on that.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q So how -- with respect to the entire</p> <p>19 list, not just the ones that -- that have</p> <p>20 asterisks next to them but all of them, how were</p> <p>21 those references identified?</p> <p>22 A So -- oh, how did I go back and generate</p> <p>23 the list? Is that what you're asking me?</p> <p>24 Q Well, I mean, were -- are all of these</p> <p>25 materials important to you in -- in the opinions</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q Okay. My question is, how did you go</p> <p>3 about identifying them?</p> <p>4 A So that was done through searching,</p> <p>5 PubMed searching as well as Google searching,</p> <p>6 evaluating articles that came from those searches,</p> <p>7 and then looking at those references of those</p> <p>8 articles, pulling another iteration of that. So I</p> <p>9 would pull more references, I would consider the</p> <p>10 references, and then I would evaluate the</p> <p>11 citations in those references and get another</p> <p>12 round of references.</p> <p>13 Q How did you decide what -- I assume that</p> <p>14 you used search terms in order to decide what the</p> <p>15 universe was of documents you were going to or</p> <p>16 references you were going to look at. Is that a</p> <p>17 fair assumption?</p> <p>18 A Yes, I used search terms.</p> <p>19 Q What type search terms did you use?</p> <p>20 A A used a variety of search terms.</p> <p>21 "Ovary" -- probably "ovary and talc," "talc and</p> <p>22 ovarian cancer," "talc and cancer," as well as</p> <p>23 searching for cobalt, chromium, nickel, the</p> <p>24 fragrance ingredients, and probably others that I</p> <p>25 can't think of today right at this moment, but if</p>

<p style="text-align: right;">Page 42</p> <p>1 I look through my report, I can probably come up 2 with more terms if you'd like.</p> <p>3 Q Well, do you have notes somewhere that 4 you -- that would reflect the search terms that 5 you used?</p> <p>6 A I do not.</p> <p>7 Q Who came up with the search terms? You?</p> <p>8 A I -- I did.</p> <p>9 Q Can you characterize as you sit there 10 today how much of the materials referenced in this 11 list, what percentage of them are new?</p> <p>12 A I haven't gone back to look at that -- 13 at the percentage. I'd say a very small 14 percentage of the scientific articles are new.</p> <p>15 Q When you say "very small," you mean, 16 what, 10 percent?</p> <p>17 MR. ZELLERS: Please do the calculation. 18 Look at the page and give Mr. Meadows your --</p> <p>19 THE WITNESS: Okay. Can I borrow your 20 pen?</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q Well, let me --</p> <p>23 A I was --</p> <p>24 Q -- let me ask you this: What is -- if 25 somebody told you that it was -- at least 25</p>	<p style="text-align: right;">Page 44</p> <p>1 were the expert reports in this matter that didn't 2 become available until after I signed my report.</p> <p>3 Q What about the medical literature?</p> <p>4 MR. ZELLERS: Okay. Take a look, 5 please, at your list, and then -- I don't know 6 that the two of you have identified medical 7 literature.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Dr. Moore, can you tell me whether any 10 of the medical literature that is on that list 11 came into existence in the last 30 days?</p> <p>12 MR. ZELLERS: Objection. Form. 13 Don't guess.</p> <p>14 THE WITNESS: I -- I --</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q I'm -- I mean --</p> <p>17 A Right.</p> <p>18 Q -- you are a professional, right?</p> <p>19 A I am.</p> <p>20 Q Okay. You're a toxicologist, right?</p> <p>21 A That's correct.</p> <p>22 Q I'm to call you doctor, right?</p> <p>23 A Please.</p> <p>24 Q Okay. And medical literature is the 25 foundation upon which you operate every day,</p>
<p style="text-align: right;">Page 43</p> <p>1 percent of it was new, would you disagree with 2 that?</p> <p>3 MR. ZELLERS: Objection. Calls for 4 speculation.</p> <p>5 THE WITNESS: I haven't evaluated that 6 as far as numbers. I would have to go back and 7 look.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Okay.</p> <p>10 A (Peruses document.)</p> <p>11 Q So will you agree that the new materials 12 that you have provided on this list, all those 13 materials were available to you at the time you 14 wrote your original report in February of 2019, 15 weren't they?</p> <p>16 MR. ZELLERS: Objection. Form. 17 Misstates the evidence.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q No?</p> <p>21 A No, I don't believe so.</p> <p>22 Q So some of that medical literature and 23 some of those reports only came into existence in 24 the last month?</p> <p>25 A So a lot of the materials I reviewed</p>	<p style="text-align: right;">Page 45</p> <p>1 right?</p> <p>2 MR. ZELLERS: Objection.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q I mean you -- medical literature is 5 something you look at every day in your career, 6 right?</p> <p>7 A I look at research literature.</p> <p>8 Q Okay. Can you tell me sitting there 9 today, is there any -- anything new that has come 10 out in the last 30 days that is on -- on this 11 list?</p> <p>12 MR. ZELLERS: Take your time and -- 13 don't guess -- and look.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q I'm asking you to go based on your 16 recollection, Dr. Moore.</p> <p>17 A Well, I -- I understand what you're 18 asking me.</p> <p>19 Q I mean, if there was literature that 20 came out on this -- on this topic in the last 30 21 to 45 days, it would be important, wouldn't it?</p> <p>22 MR. ZELLERS: Objection. Form, 23 foundation.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Would it be important?</p>

<p style="text-align: right;">Page 46</p> <p>1 A I would have to evaluate that</p> <p>2 literature.</p> <p>3 Q Okay. And if it's on this list, then it</p> <p>4 really is important, right?</p> <p>5 MR. ZELLERS: Objection. Form.</p> <p>6 THE WITNESS: So this list is just the</p> <p>7 materials that I considered in this matter.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Right. And it's import- -- the list</p> <p>10 that is reflected here, it was important enough</p> <p>11 for you to put on a list that you had considered</p> <p>12 it, right?</p> <p>13 MR. LOCKE: Objection.</p> <p>14 MR. ZELLERS: Objection. Form, vague.</p> <p>15 THE WITNESS: So what was the question</p> <p>16 again? Sorry.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Listen, all I'm asking you is, did any</p> <p>19 medical literature, did any studies come out in</p> <p>20 the last 30 to 45 days that you put on this list?</p> <p>21 I'm asking you based on your recollection, is</p> <p>22 there anything that was important enough that came</p> <p>23 out in the last 30 to 45 days that you considered</p> <p>24 and put on this list?</p> <p>25 MR. ZELLERS: Objection. Argumentative.</p>	<p style="text-align: right;">Page 48</p> <p>1 material.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Well, the stuff that's got an asterisk</p> <p>4 next to it were reviewed after February 25th was</p> <p>5 submitted -- after the February 25th report was</p> <p>6 submitted, right?</p> <p>7 We established that the stuff that's</p> <p>8 marked with an asterisk was reviewed after you</p> <p>9 wrote your report that was submitted on</p> <p>10 February 25th of 2019, right?</p> <p>11 A The materials with an asterisk were</p> <p>12 considered by me after I wrote the report.</p> <p>13 Q Right. Did any of those materials</p> <p>14 change your opinions in this case?</p> <p>15 A No.</p> <p>16 Q I want to go back to your original -- or</p> <p>17 your report that we were looking at as Exhibit 1,</p> <p>18 and I want to go to your CV.</p> <p>19 Now, I think -- I haven't looked at</p> <p>20 it -- at them closely, but I think that last night</p> <p>21 we were provided -- if my recollection is correct,</p> <p>22 and you please correct me if I'm wrong -- but I</p> <p>23 think we were provided with a CV last night as</p> <p>24 well, were we not?</p> <p>25 MR. ZELLERS: It's right after the list</p>
<p style="text-align: right;">Page 47</p> <p>1 THE WITNESS: So I --</p> <p>2 MR. ZELLERS: Go ahead.</p> <p>3 THE WITNESS: So I read a lot of</p> <p>4 literature every day, and so it's hard for me to</p> <p>5 disseminate what happened in the last 30 to 45</p> <p>6 days with all of the literature that I reviewed.</p> <p>7 This is a long list, and I'd like to look through</p> <p>8 it and I'll -- let me look through it for a minute</p> <p>9 and I'll let you know.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Now, I was just asking based on your</p> <p>12 recollection. I mean you can look at it on your</p> <p>13 own time. I was asking based on your</p> <p>14 recollection. Obviously you don't recall, right?</p> <p>15 MR. ZELLERS: Objection. Misstates the</p> <p>16 evidence.</p> <p>17 THE WITNESS: That's not what I said at</p> <p>18 all.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q Let me ask you this: Did any of this</p> <p>21 new material that was provided last night, has any</p> <p>22 of it changed your opinions in this case at all?</p> <p>23 MR. ZELLERS: Objection. Misstates her</p> <p>24 testimony.</p> <p>25 THE WITNESS: So this isn't new</p>	<p style="text-align: right;">Page 49</p> <p>1 of references.</p> <p>2 THE WITNESS: Oh. Yes, I found it.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Okay. So I'm just -- I'm trying to</p> <p>5 figure out why we got this last night because I --</p> <p>6 it -- it appears to be -- I mean, just in page</p> <p>7 length maybe it's different. Am I missing</p> <p>8 something here?</p> <p>9 MR. ZELLERS: I'm --</p> <p>10 MR. MEADOWS: I'm just trying to</p> <p>11 reconcile what the difference is between the two</p> <p>12 CVs. I mean, and --</p> <p>13 MR. ZELLERS: I -- let's ask the witness</p> <p>14 here.</p> <p>15 MS. SHARKO: You did ask for it.</p> <p>16 MR. ZELLERS: Right.</p> <p>17 THE WITNESS: So I don't see a</p> <p>18 difference.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q No? Okay.</p> <p>21 Well, the reason that I ask is because</p> <p>22 it appears that the one that you gave us that was</p> <p>23 attached to your report back in February appears</p> <p>24 to be six pages long, and the one that you gave us</p> <p>25 last night appears to be -- excuse me -- okay. We</p>

<p style="text-align: right;">Page 50</p> <p>1 got -- it's in a different part here. Okay. All 2 right. So they seem to have the same number of 3 pages. 4 Can you -- can you tell me, to satisfy 5 my curiosity, are they the same? Has your CV 6 changed at all -- 7 A No, I don't -- 8 Q -- since you submitted your report? 9 A -- believe so, no. 10 Q Okay. All right. So let's look at your 11 CV for just a minute. It was attached to your 12 report, correct? 13 A Yes. 14 Q Okay. All right. So we see here you 15 have a Ph.D. in toxicology, right? 16 A Yes. 17 Q And you got your Ph.D. in 2008, right? 18 A Correct. 19 Q That's when people started calling you 20 doctor. Is that fair enough? 21 A Fair. 22 Q Okay. Before that, you had a BS in 23 chemistry, right? 24 A Yes. 25 Q Okay. Going on down, it looks like</p>	<p style="text-align: right;">Page 52</p> <p>1 Are you familiar with Alfred Wiener? 2 A I've seen his name. 3 Q Okay. Did you ever meet Dr. Wiener? 4 A I did not. 5 Q Was he working there at Battelle while 6 you were working there? 7 A I don't know. 8 Q Don't know. Have you ever had any 9 communications with Dr. Wiener? 10 A No. 11 Q And then it looks like you continued 12 working at Battelle as a principal research 13 scientist first and a senior research scientist 14 thereafter. 15 And then you went to work at the 16 University of Washington -- no, actually, I guess 17 you were a student at the University of Washington 18 for five years; is that correct? 19 A I was a student and a research 20 associate. 21 Q Okay. All right. And while you were 22 there, did you continue working at Battelle? 23 A I -- I had a leave of absence at 24 Battelle. 25 Q Okay. And so how did that work when</p>
<p style="text-align: right;">Page 51</p> <p>1 you're a member of the American Board of 2 Toxicology, right? 3 A Correct. 4 Q Okay. You're a member of a couple of 5 other groups, right? 6 A The groups that are listed there. 7 Q Yeah. Now, going down to your 8 experience, I want to kind of work our way through 9 that chronologically, if I can. It looks like in 10 1992 you went to work for Battelle; is that right? 11 A Yes. 12 Q And tell -- tell us what Battelle is. 13 A Battelle is a research institute, a 14 nonprofit institute that does a variety of 15 research projects and operates different 16 laboratories across the country and 17 internationally. 18 Q Okay. And you worked there as a 19 research scientist. I guess this is right after 20 you got your chemistry degree? 21 A So, yeah, actually I had a number of 22 different titles while I was there. 23 Q Okay. And I'm curious, I know of at 24 least one other person who worked at Battelle, and 25 that was a fellow by the name of Alfred Wiener.</p>	<p style="text-align: right;">Page 53</p> <p>1 you -- because it looks like you went back to work 2 at Battelle after you left the University of 3 Washington, right? 4 A I did. 5 Q Did you work at Battelle at all while 6 you were at the University of Washington? 7 A I was an hourly employee. 8 Q And so how did -- tell me about that. 9 How did you end up going from Battelle to the 10 University of Washington, continuing to work 11 there? What prompted you to do that and -- and 12 how did all that work? 13 A So when I was at Battelle, some of the 14 senior scientists encouraged me to go back to get 15 a graduate degree, and so that's -- that's what 16 prompted me to go back to school and as well as a 17 love of toxicology. 18 So at Battelle there's -- there was at 19 the time a system that was set up whereby you 20 could take an educational leave of absence, and 21 they would continue to support you to a small 22 extent while you were attending school. And then 23 in -- in exchange for that, I -- you went back to 24 work at Battelle after you were done. 25 Q Okay. So that was the arrangement that</p>

<p style="text-align: right;">Page 54</p> <p>1 you had with Battelle was they would assist you</p> <p>2 in -- financially in going to school and -- but</p> <p>3 you had promised that you would come back?</p> <p>4 A Correct.</p> <p>5 Q Okay. And who were the senior</p> <p>6 scientists that encouraged you to -- to do that?</p> <p>7 A Terry Mast.</p> <p>8 Q Terry Mast?</p> <p>9 A Mm-hmm.</p> <p>10 Q Anybody else?</p> <p>11 A And my manager, Gordon Billard.</p> <p>12 Q Anybody else?</p> <p>13 A Probably those are the two that stand</p> <p>14 out.</p> <p>15 Q Okay. And so what were you working on</p> <p>16 at Battelle in the years leading up to your</p> <p>17 departure to go to University of Washington? What</p> <p>18 type of projects did you work on?</p> <p>19 MR. ZELLERS: Can you answer that</p> <p>20 generally?</p> <p>21 THE WITNESS: Yeah.</p> <p>22 MR. ZELLERS: Okay. Go ahead.</p> <p>23 THE WITNESS: So generally, toxicology</p> <p>24 projects, risk assessment projects.</p> <p>25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 56</p> <p>1 A No.</p> <p>2 Q And did -- was your work exclusively</p> <p>3 inhalation exposure or did you also work on other</p> <p>4 types of exposures?</p> <p>5 MR. ZELLERS: Objection. Misstates her</p> <p>6 testimony. Are you talking about her initial</p> <p>7 work?</p> <p>8 MR. MEADOWS: Yeah, I guess -- well,</p> <p>9 during this time period, if that's what your issue</p> <p>10 is. I'm trying -- I'm trying to figure out what</p> <p>11 type of exposure issues she worked on in her lead</p> <p>12 up to going to University of Washington.</p> <p>13 THE WITNESS: So at Battelle Toxicology</p> <p>14 Northwest, we primarily did inhalation work, and</p> <p>15 then when I was at the National Lab, we did a</p> <p>16 variety of risk assessments for different routes</p> <p>17 of exposure, cumulative exposures.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q And did you do any work on perineal</p> <p>20 exposures?</p> <p>21 A Not specifically, but in a whole body</p> <p>22 chamber, the entire animal is exposed.</p> <p>23 Q Okay. But you didn't do any specific</p> <p>24 work pertaining to perineal exposures?</p> <p>25 A That's correct.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q Okay. And can you tell me -- well, can</p> <p>2 you tell me, were there specific areas of research</p> <p>3 or issues that you were assigned to during that</p> <p>4 time period?</p> <p>5 A So while I was at Battelle Toxicology</p> <p>6 Northwest, most of that was inhalation toxicology</p> <p>7 work, but not all. And then when I was at the --</p> <p>8 then when I transferred to the National</p> <p>9 Laboratory, a lot of that work was more general</p> <p>10 risk assessment as well as inhalation.</p> <p>11 Q Okay. And were there specific</p> <p>12 inhalation issues that you were working on?</p> <p>13 A It depended on the project.</p> <p>14 Q Okay. And I guess that's what I'm</p> <p>15 asking, what -- what were those projects?</p> <p>16 A So part of the work was done for</p> <p>17 commercial entities, and a lot of that is</p> <p>18 confidential matters, but pharmaceuticals, drugs.</p> <p>19 And then the other part of the business was</p> <p>20 working for the National Toxicology Program,</p> <p>21 running a lot of inhalation experiments that went</p> <p>22 through the National Toxicology Program, and then</p> <p>23 other projects as well.</p> <p>24 Q Did any of those projects have to do</p> <p>25 with or pertain to talc or asbestos issues?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Have you ever done any work pertaining</p> <p>2 to perineal or -- that is specific to perineal</p> <p>3 exposures?</p> <p>4 MR. ZELLERS: Objection. "Work" is</p> <p>5 vague.</p> <p>6 But go ahead.</p> <p>7 THE WITNESS: So do you mean laboratory-</p> <p>8 based research?</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q I mean any type of -- of research.</p> <p>11 Have you ever done any type of research</p> <p>12 that is specific to perineal exposures?</p> <p>13 A So I've evaluated this dataset that was</p> <p>14 specific for perineal exposures.</p> <p>15 Q Okay. When -- when you say "this</p> <p>16 dataset," you're talking about the work that you</p> <p>17 did that's reflected in your expert report in this</p> <p>18 case.</p> <p>19 A That's correct.</p> <p>20 Q So before you did the expert report in</p> <p>21 this case or the preparation for the expert report</p> <p>22 in this case, you had never done any work that's</p> <p>23 specific to perineal exposures?</p> <p>24 MR. ZELLERS: Objection. Misstates her</p> <p>25 testimony. She talked about that program in 2017,</p>

<p style="text-align: right;">Page 58</p> <p>1 but --</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q You can answer.</p> <p>4 MR. ZELLERS: Well --</p> <p>5 THE WITNESS: So --</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q Are you going to tell me about that</p> <p>8 stuff in 2017 now?</p> <p>9 MR. ZELLERS: She's already told you. I</p> <p>10 mean you asked.</p> <p>11 MR. MEADOWS: Well, I -- she can answer</p> <p>12 it.</p> <p>13 MR. ZELLERS: All right. I will let</p> <p>14 her.</p> <p>15 THE WITNESS: All right. So apart from</p> <p>16 reviewing --</p> <p>17 MR. MEADOWS: Thank you.</p> <p>18 THE WITNESS: -- the literature</p> <p>19 associated with perineal exposure to talc, I have</p> <p>20 not done.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q So when you -- when you made the</p> <p>23 arrangement with Battelle to go to school and then</p> <p>24 come back, was -- were there specific projects</p> <p>25 that Battelle was hoping that you would come back</p>	<p style="text-align: right;">Page 60</p> <p>1 THE WITNESS: So they didn't encourage</p> <p>2 me to pursue any certain discipline besides</p> <p>3 toxicology. So that to me inferred that they did</p> <p>4 not have a specific project other than a</p> <p>5 toxicology-related field.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q And -- I mean on that topic, I mean,</p> <p>8 you -- toxicology is your area of expertise,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q Okay. All right. So after working</p> <p>12 at -- after finishing your education at University</p> <p>13 of Washington, you came back to Battelle to work</p> <p>14 there and fulfill your obligations in that regard,</p> <p>15 the agreement that you had with them to come back</p> <p>16 and work, correct?</p> <p>17 A So -- say that -- sorry, so -- so that</p> <p>18 was the intent. But that's not what happened.</p> <p>19 Q What happened?</p> <p>20 A I should clarify. So that was the</p> <p>21 intent. That was the agreement that was made with</p> <p>22 the National Lab, and then when I finished school,</p> <p>23 the National Lab actually didn't have funding for</p> <p>24 a position.</p> <p>25 And so Toxicology Northwest is actually</p>
<p style="text-align: right;">Page 59</p> <p>1 and participate in or was this just a general</p> <p>2 arrangement?</p> <p>3 MR. ZELLERS: Foundation. Objection.</p> <p>4 THE WITNESS: I don't know what the</p> <p>5 management at Battelle was thinking.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q Well, I guess to the extent that you --</p> <p>8 A To the extent that I knew, you can't</p> <p>9 predict what the work is going to be like in five</p> <p>10 years.</p> <p>11 Q Did you have a feel- -- a feeling that</p> <p>12 there were going to be certain projects they would</p> <p>13 want you to work on when you came back?</p> <p>14 MR. ZELLERS: Objection. Form. Vague.</p> <p>15 THE WITNESS: That would be -- that</p> <p>16 would be speculation, I guess. But --</p> <p>17 MR. ZELLERS: Go ahead, answer.</p> <p>18 THE WITNESS: I can guess that --</p> <p>19 MR. ZELLERS: No, don't guess, please.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q And my ask -- my question was simply,</p> <p>22 did you have a feeling for the type of work you</p> <p>23 thought that they would want you to work on when</p> <p>24 you come -- came back?</p> <p>25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 61</p> <p>1 a different group of people, and they had an</p> <p>2 opening for a toxicologist. So -- so then I went</p> <p>3 to Toxicology Northwest without any obligations at</p> <p>4 all.</p> <p>5 Q Okay. So Battelle Toxicology Northwest</p> <p>6 is different from Battelle Pacific Northwest, is</p> <p>7 that --</p> <p>8 A So it's -- it's all under the global</p> <p>9 Battelle organization, and then Battelle also runs</p> <p>10 independent national labs. So the National Lab is</p> <p>11 its own entity that's operated by Battelle, and</p> <p>12 then Battelle Toxicology Northwest is an</p> <p>13 organization that's run directly under Battelle</p> <p>14 Memorial Institute. So it's a different -- at the</p> <p>15 end, there's one manage -- there's one CEO, but</p> <p>16 they're different management organizations.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q All right. So you worked there for</p> <p>19 roughly five years?</p> <p>20 A Yes.</p> <p>21 Q And then you went to work for Veritox,</p> <p>22 which is where you work now, right?</p> <p>23 A Correct.</p> <p>24 Q And what type of work have you done at</p> <p>25 Veritox in the five years that you've been there?</p>

<p style="text-align: right;">Page 62</p> <p>1 A Primarily risk assessment and risk 2 communication, toxicology assessments, safety 3 assessments, those type of projects. 4 Q Okay. And I assume Veritox -- well, 5 what does Veritox do generally? 6 A So they're an environmental health 7 consulting company that consults in toxicology- 8 related issues, environmental -- sorry, 9 environmental hygiene issues. There's also a 10 component that's represented by engineering staff, 11 and so it's called GT Engineering, they do 12 business as GT Engineering, and they do failure 13 analyses type work. 14 Q I assume that Veritox works for 15 companies; is that correct? 16 A They -- they do work for a lot of 17 organizations. 18 Q How does Veritox make money, I guess is 19 the question? 20 A Pardon? 21 Q How does Veritox make money? 22 A Oh. They do work. 23 Q Okay. For whom? 24 A For people who come to us. 25 Q And those people are generally</p>	<p style="text-align: right;">Page 64</p> <p>1 BY MR. MEADOWS: 2 Q Now, in this instance, you are -- you've 3 been hired to be an expert witness in this case, 4 correct? 5 A Correct. 6 Q And I'll assume that you are charging 7 Johnson & Johnson to testify in this case, right? 8 MR. ZELLERS: Objection. Form. 9 THE WITNESS: So we -- we bill the hours 10 that are done to -- to counsel for Johnson & 11 Johnson. I'm not sure where our bills go, but -- 12 BY MR. MEADOWS: 13 Q How did you go about landing this 14 business with Johnson & Johnson to work on this 15 case? 16 MR. ZELLERS: Objection. Form. 17 THE WITNESS: I -- I guess I -- I don't 18 know the answer to that. I mean, I received a 19 call from Ms. Curry in this matter. 20 BY MR. MEADOWS: 21 Q Well, did you reach out to Johnson & 22 Johnson and tell them that you could provide 23 services for them? 24 A No. 25 Q Did you reach out to any lawyers and</p>
<p style="text-align: right;">Page 63</p> <p>1 corporations? 2 A I -- I don't know what the breakdown is. 3 There's -- there's certainly companies, school 4 districts, fire departments, a variety of 5 different entities. 6 Q As a part of your work, are you -- are 7 you obliged to generate clientele for Veritox? 8 MR. ZELLERS: Objection. Form. 9 THE WITNESS: So I guess I don't 10 understand your question. 11 BY MR. MEADOWS: 12 Q Does Veritox expect you to bring 13 business in? 14 A Yes, they -- 15 MR. ZELLERS: Same objection. 16 THE WITNESS: -- they expect me to have 17 project work to do. 18 BY MR. MEADOWS: 19 Q And so how do you go about generating 20 business? 21 MR. ZELLERS: Objection form. 22 THE WITNESS: So I guess I don't 23 necessarily just -- I guess I'm not a business 24 major. So I go to scientific conferences, meet 25 people, present scientific subjects.</p>	<p style="text-align: right;">Page 65</p> <p>1 tell them that you could provide services for 2 them? 3 A No. 4 Q Ms. Curry just called you out of the 5 blue one day? 6 A I received a phone call from Ms. Curry. 7 Q Now, in addition to your work as -- in 8 litigation, you -- what else do you do to generate 9 business for Veritox? 10 MR. ZELLERS: Objection to form. 11 THE WITNESS: So I guess -- 12 BY MR. MEADOWS: 13 Q Generate income. Excuse me. 14 A Well, I didn't understand the preface to 15 the question, I guess. 16 Q Well, what other -- let's just try it 17 this way. 18 What projects have you -- or what 19 companies have you worked for, say, over the last 20 12 months at Veritox? 21 A So I don't know that I can give you 22 exact companies with conflict -- you know, for 23 secrecy issues, but I can tell you generally. 24 Does that -- does that work? 25 Q I don't know. You can give it a try.</p>

<p style="text-align: right;">Page 66</p> <p>1 A So there's a company that I work with</p> <p>2 that makes food -- food additives. Another --</p> <p>3 let's see -- I'm trying to think.</p> <p>4 So a pharmaceutical company, some</p> <p>5 chemical companies. I'm trying to think. In</p> <p>6 general terms -- maybe I could probably come up</p> <p>7 with some later just in general.</p> <p>8 Q Well, let me get more specific then.</p> <p>9 Have you ever done any work for Johnson & Johnson</p> <p>10 before?</p> <p>11 A I had.</p> <p>12 Q Okay. Can you tell me about those</p> <p>13 projects?</p> <p>14 A Generally.</p> <p>15 Q Go ahead.</p> <p>16 A So I was asked to look at some of the</p> <p>17 scientific data regarding toxicology of asbestos</p> <p>18 and cleavage fragments.</p> <p>19 Q And when was that?</p> <p>20 A It began probably December-ish 2017.</p> <p>21 Q And is that -- I have a note here, and</p> <p>22 my notes are not always right, but I have a note</p> <p>23 here that you -- Ms. Curry reached out to you at</p> <p>24 the end of November of 2018, right? Or -- yeah.</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 And actually as I'm making my objection,</p> <p>2 you know, I believe that she was retained as a</p> <p>3 consultant, you know, on a separate project, and</p> <p>4 so I'm going to instruct her not to answer further</p> <p>5 than she has.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q Have you done any other work for J&J?</p> <p>8 A No.</p> <p>9 Q Are you aware of whether Veritox has</p> <p>10 done any other work for J&J?</p> <p>11 A They have.</p> <p>12 Q Can you tell me about that?</p> <p>13 A Generally.</p> <p>14 Q Go ahead.</p> <p>15 A It's work that Dr. Bryan Hardin has</p> <p>16 done.</p> <p>17 Q Did it pertain to baby powder or talcum</p> <p>18 powder?</p> <p>19 MR. ZELLERS: If you know.</p> <p>20 THE WITNESS: I -- I don't know for</p> <p>21 sure, but I believe it did.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q And do you know when that work started?</p> <p>24 A No.</p> <p>25 Q Has Veritox done any work for Imerys?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Okay. So you're saying that you</p> <p>2 actually had done some work for J&J approximately</p> <p>3 a year earlier.</p> <p>4 A Well, that was the date that they</p> <p>5 contacted me.</p> <p>6 Q And was this pertaining to baby powder?</p> <p>7 A It was just toxicology of cleavage</p> <p>8 fragments in general.</p> <p>9 Q In general. So it wasn't in the context</p> <p>10 of talcum powder or baby powder.</p> <p>11 A It probably was. Just my -- my</p> <p>12 investigation was just some literature searching</p> <p>13 to try to understand that topic.</p> <p>14 Q And what -- what specifically did they</p> <p>15 want you to do?</p> <p>16 MR. ZELLERS: Okay. I'm going to --</p> <p>17 she's given you the area that she consulted with a</p> <p>18 Johnson & Johnson lawyer or outside lawyer on.</p> <p>19 I'm not going to let her get into discussions that</p> <p>20 she had with counsel or what that consulting</p> <p>21 project was.</p> <p>22 So she's answered generally. If you</p> <p>23 want to try to ask her some more general questions</p> <p>24 about what that -- the scope of that work, but I</p> <p>25 do think that that is privileged.</p>	<p style="text-align: right;">Page 69</p> <p>1 A I don't know.</p> <p>2 Q Have you ever done any work for Imerys?</p> <p>3 A No.</p> <p>4 Q Has Veritox or you ever done any work</p> <p>5 for PCPC?</p> <p>6 A I don't know what that is.</p> <p>7 Q Okay. PCPC is the Personal Care</p> <p>8 Products Council, also formally known as the</p> <p>9 Cosmetic Toiletries Fragrance Association.</p> <p>10 A I mean, I've heard of that, but --</p> <p>11 Q Yeah, that one's memorable, isn't it?</p> <p>12 MR. ZELLERS: That wasn't a question.</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q So they are the trade association for</p> <p>15 the cosmetic industry. Does that ring any bells</p> <p>16 that have you or Veritox ever done any work for</p> <p>17 PCPC or CTFA?</p> <p>18 MR. LOCKE: Objection. Form.</p> <p>19 THE WITNESS: I have not. I don't know</p> <p>20 if Veritox has.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q With respect to the work that Veritox or</p> <p>23 that -- that you did for J&J, did you issue a</p> <p>24 report of any type?</p> <p>25 A No. Well, other than the report in this</p>

<p style="text-align: right;">Page 70</p> <p>1 matter.</p> <p>2 Q Okay. Well, now, was that work that you</p> <p>3 did in December of 2017 for J&J related to the</p> <p>4 work that you have done here that's now the</p> <p>5 subject of your report?</p> <p>6 MR. ZELLERS: Okay. I'll let her answer</p> <p>7 that question, but -- but not go further.</p> <p>8 THE WITNESS: So I guess --</p> <p>9 MR. ZELLERS: Do you understand the</p> <p>10 question?</p> <p>11 THE WITNESS: Not really. Well, so I</p> <p>12 didn't really understand the question, and then</p> <p>13 the time -- and the time frame. So...</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Okay. I believe you told me earlier</p> <p>16 that you did some work for J&J starting around</p> <p>17 December of 2017 that pertained to asbestos and</p> <p>18 cleavage fragments.</p> <p>19 Do you remember talking about that</p> <p>20 earlier?</p> <p>21 A I do.</p> <p>22 Q Okay. So my question is, did you</p> <p>23 generate a report that pertained to that -- that</p> <p>24 work?</p> <p>25 A To the work that was started in December</p>	<p style="text-align: right;">Page 72</p> <p>1 can answer it "yes" or "no."</p> <p>2 MR. ZELLERS: Okay. I'm going to</p> <p>3 instruct her not to answer. Our position is, is</p> <p>4 that that was a consulting assignment that she did</p> <p>5 that was unrelated to the work that she's doing</p> <p>6 here. So, I mean, I think you've --</p> <p>7 MR. MEADOWS: I hear that is your</p> <p>8 position, but that's not what I heard is her</p> <p>9 position. She's not sure whether or not it was</p> <p>10 related to the work she did in this case.</p> <p>11 MR. ZELLERS: I thought she answered --</p> <p>12 MR. MEADOWS: She can't -- she had a</p> <p>13 hard time separating it out is what I heard.</p> <p>14 MR. ZELLERS: Well, I mean, I believe</p> <p>15 she's answered your question on that. So do you</p> <p>16 have a new question?</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Any of the materials that you reviewed</p> <p>19 for your project in December of 2017, are they</p> <p>20 included in the materials that you've provided to</p> <p>21 us in this case as being ones that you've relied</p> <p>22 on?</p> <p>23 MR. ZELLERS: Objection. Form,</p> <p>24 foundation.</p> <p>25 THE WITNESS: So again, I can't -- I</p>
<p style="text-align: right;">Page 71</p> <p>1 of --</p> <p>2 Q Correct.</p> <p>3 A -- 2017. So there was no report on the</p> <p>4 asbestos and cleavage fragment literature review</p> <p>5 that I did.</p> <p>6 Q Okay. And then as a follow-up, did that</p> <p>7 work have anything to do with or result in</p> <p>8 information that you considered in -- in</p> <p>9 generating the report that you've done in this</p> <p>10 case?</p> <p>11 MR. ZELLERS: Objection. Vague,</p> <p>12 ambiguous.</p> <p>13 THE WITNESS: So I don't think I can</p> <p>14 answer that with any certainty. And so there's</p> <p>15 articles that I read there that -- you know, I</p> <p>16 don't know which articles I read for that that may</p> <p>17 also pertain to the matter that -- that we're</p> <p>18 discussing today.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q Did you reach any conclusions or</p> <p>21 opinions as a result of the work that you did in</p> <p>22 December of 2017?</p> <p>23 MR. ZELLERS: Objection.</p> <p>24 You can answer that "yes" or "no."</p> <p>25 THE WITNESS: Well, I don't know that I</p>	<p style="text-align: right;">Page 73</p> <p>1 can't answer "yes" or "no" because I'm -- there's</p> <p>2 probably articles that were read in that matter</p> <p>3 that are also pertinent to this matter, but</p> <p>4 without evaluating each article, I can't say</p> <p>5 whether, yes or no, it applied to both or one.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q So that project started in December of</p> <p>8 2017, you had said, or thereabouts?</p> <p>9 A That's when the first contact was made.</p> <p>10 I don't remember when it actually started.</p> <p>11 Q And specifically I'm talking about</p> <p>12 the -- the work pertaining to the asbestos and</p> <p>13 cleavage fragments.</p> <p>14 A Okay.</p> <p>15 Q Okay. So how long did that project go</p> <p>16 on?</p> <p>17 A It was ongoing.</p> <p>18 Q Till when?</p> <p>19 A I'd say it's still -- I haven't done --</p> <p>20 we haven't closed that project, but I haven't done</p> <p>21 any work on it in quite a while.</p> <p>22 Q I assume you billed J&J for that work?</p> <p>23 A Veritox probably did.</p> <p>24 Q Mm-hmm. So the same lawyer, Ms. Curry,</p> <p>25 reached out to you for both projects, the one in</p>

<p style="text-align: right;">Page 74</p> <p>1 2017 and the one that's the -- the report that you 2 generated in this case? 3 A No. 4 Q Can you clarify that for me? Who -- who 5 reached out to you for the 2017 project? 6 A It was Jonathan Cooper. 7 Q Okay. And is Jonathan Cooper with J&J 8 or is he a lawyer? 9 A He's a lawyer. 10 Q Who's he with? 11 A Tucker Ellis, I believe. 12 Q And then the report you did in this 13 case, that was -- your initial contact came from 14 Ms. Curry; is that right? 15 A That's correct. 16 Q And who's she with? 17 A I'm not sure. I haven't had a lot of 18 contact with her. 19 Q What's her first name? 20 A I met her, but I can't remember. I'm 21 sorry. 22 Q Jennifer Curry, does that ring a bell? 23 No? 24 MS. SHARKO: Do you want to know the 25 name?</p>	<p style="text-align: right;">Page 76</p> <p>1 did, you tell me. Okay? 2 A Okay. So I think we can clarify that -- 3 that I did do perineal work regarding this case, 4 but -- 5 Q But I'm talking about before this 6 case -- 7 A Okay. 8 Q -- you -- you told me that you had never 9 done any work that's specific to perineal 10 exposure, correct? 11 MR. ZELLERS: Same objection. 12 BY MR. MEADOWS: 13 Q Is that what you told me earlier? 14 A So no studies that had the -- the 15 purpose stated was a perineal exposure. 16 Q Tell me what work you have done that is 17 specific to perineal exposure. 18 A So perineal exposure would occur in a 19 whole body chamber. 20 Q That's not specifically perineal 21 exposure, is it? That's whole body exposure, 22 right? 23 A That's correct, but the perineal 24 exposure also occurs. 25 Q All right. So ovarian cancer, have you</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. MEADOWS: The law firm -- sure. Put 2 you under oath. 3 MS. SHARKO: Well, you're not going to 4 put me under oath. 5 MR. MEADOWS: No? 6 MS. SHARKO: Although that might be fun. 7 MR. MEADOWS: That would be fun. 8 MS. SHARKO: But her name is Dawn Curry. 9 MR. MEADOWS: Thank you. 10 THE WITNESS: Thank you. 11 BY MR. MEADOWS: 12 Q All right. So -- a couple of things I 13 wanted to ask you about. Ovarian cancer 14 experience, have you ever -- I know we talked 15 earlier about perineal exposure, and I think you 16 told me that you hadn't done any work on anything 17 specific to perineal exposure. 18 What about ovarian cancer, have you ever 19 done any work that's specific to ovarian cancer 20 until you got involved in this case? 21 MR. ZELLERS: Okay. Objection. 22 Misstates the evidence. 23 THE WITNESS: Okay. So -- 24 BY MR. MEADOWS: 25 Q Did I misstate anything just then? If I</p>	<p style="text-align: right;">Page 77</p> <p>1 ever done any work pertaining to ovarian cancer 2 before you got involved in this case? 3 A So I have done carcinogenicity studies 4 for the National Toxicology Program, which 5 evaluates all organs, including ovarian tissues. 6 Q Okay. Tell me what work you've done 7 that's been specific to ovarian cancer. 8 A So I just said I've done whole body -- 9 or carcinogenicity studies in rodents that 10 evaluate ovarian tissue and carcinogenicity. 11 Q Are you an expert on ovarian cancer? 12 MR. ZELLERS: Objection. Form. 13 THE WITNESS: So I'm a toxicologist, and 14 I've studied carcinogenesis. 15 BY MR. MEADOWS: 16 Q Are you telling me you're an expert on 17 all types of cancers? 18 A I -- no, I'm not saying that. What I'm 19 saying is I'm a toxicologist, and we evaluate 20 carcinogenicity endpoints. 21 Q So are you an expert on ovarian cancer? 22 MR. ZELLERS: Objection. Form. 23 MR. LOCKE: Objection to form. 24 THE WITNESS: Well, again, I said I'm a 25 toxicologist, and we evaluate carcinogenesis</p>

<p style="text-align: right;">Page 78</p> <p>1 endpoints.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q All right. What cancers are you an</p> <p>4 expert on?</p> <p>5 A So I guess you need to define what you</p> <p>6 mean by "expert" in cancer.</p> <p>7 Q Well, what do you think an expert would</p> <p>8 be?</p> <p>9 A Well, so I've --</p> <p>10 MR. ZELLERS: Go ahead.</p> <p>11 THE WITNESS: So I evaluate test</p> <p>12 chemicals and their propensity to cause cancer.</p> <p>13 That's -- as an expert, that's what I do.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q All right. But work that was specific</p> <p>16 to ovarian cancer, you've not done that, right?</p> <p>17 MR. ZELLERS: Objection. Form.</p> <p>18 THE WITNESS: Again, carcino- -- in</p> <p>19 general, carcinogenicity studies that I -- that</p> <p>20 I'm involved in don't specifically call out</p> <p>21 a priori the tissue that's going to be evaluated.</p> <p>22 We evaluate all tissue.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q Mm-hmm. What work have you done -- or</p> <p>25 have you done any work that's specific to</p>	<p style="text-align: right;">Page 80</p> <p>1 said. I believe that I worked on that list with</p> <p>2 Jen Hobden. I generated the list.</p> <p>3 Q Okay. And when did -- the question is,</p> <p>4 when did you give it to the lawyers?</p> <p>5 A So it was an iterative process.</p> <p>6 Q It was a what?</p> <p>7 A Iterative. So many times going back and</p> <p>8 forth.</p> <p>9 Q Okay. When was it finished as far as</p> <p>10 your part that you gave to the lawyers?</p> <p>11 A So I -- I don't -- I don't speciate</p> <p>12 between -- it was always my list.</p> <p>13 Q Well, that's -- okay. I'm assuming</p> <p>14 that's the case. So -- but your -- the part --</p> <p>15 you told me earlier that there were some things</p> <p>16 that you put on the list and there were some</p> <p>17 things that the lawyers put on the list, right?</p> <p>18 A Yes.</p> <p>19 Q So the part that you did, that you were</p> <p>20 finished with, when did you give that to the</p> <p>21 lawyers?</p> <p>22 A So there were -- I went through early on</p> <p>23 weeks ago and put together the list, the majority</p> <p>24 of it, and then as I received more materials, we</p> <p>25 added that to that list.</p>
<p style="text-align: right;">Page 79</p> <p>1 mesothelioma?</p> <p>2 A So, again, that would be the same</p> <p>3 answer.</p> <p>4 Q So any cancer I were to name today, you</p> <p>5 would say that you have expertise in it.</p> <p>6 A In as far as the endpoint.</p> <p>7 Q There's not a cancer that I could throw</p> <p>8 out there that you wouldn't say, I'm an expert on</p> <p>9 that?</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q You don't know. Okay.</p> <p>14 I think you provided us with some --</p> <p>15 MR. MEADOWS: I'm not sure what I did</p> <p>16 here. Should I get -- okay.</p> <p>17 MR. ZELLERS: And just as you're</p> <p>18 looking, it was counsel that provided you with</p> <p>19 materials last night, so...</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q By the way, when did the list that you</p> <p>22 and Ms. Diener and Ms. Bennett and Ms. Ticknor --</p> <p>23 the list that y'all came up that you gave to the</p> <p>24 lawyers, when did you give that to them?</p> <p>25 A So I -- I don't think that's what I</p>	<p style="text-align: right;">Page 81</p> <p>1 Q So this effort started when?</p> <p>2 A Well, the effort started in -- in</p> <p>3 December of 2018 with this writing of my report.</p> <p>4 Q Well, now, I'm referring to the -- the</p> <p>5 part of the list that's new that had an asterisk</p> <p>6 next to it that you didn't include with your</p> <p>7 report that you generated back in February.</p> <p>8 So when did -- when did you start</p> <p>9 creating that list?</p> <p>10 MR. ZELLERS: The list of new materials?</p> <p>11 MR. MEADOWS: Correct.</p> <p>12 THE WITNESS: The list of new materials</p> <p>13 began shortly after I issued my report.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q And you were providing that to the</p> <p>16 lawyers on an ongoing basis?</p> <p>17 MR. ZELLERS: I'm going to instruct her</p> <p>18 not to answer more about the communications back</p> <p>19 and forth with the lawyers.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Okay. I need to go back to your CV for</p> <p>22 the moment.</p> <p>23 And I want to flip over to the section</p> <p>24 entitled "Selected Publications." It's on page 3.</p> <p>25 Do you see where I'm talking about?</p>

<p style="text-align: right;">Page 82</p> <p>1 A Yes, I do.</p> <p>2 Q So the title leaves me wondering if</p> <p>3 there are others. Are there other publications</p> <p>4 that were not selected?</p> <p>5 A There may have been some from the '90s,</p> <p>6 you know.</p> <p>7 Q So this is not a complete list of your</p> <p>8 publications?</p> <p>9 A I would have to go back and check.</p> <p>10 If what -- what you call publications, there may</p> <p>11 have been some abstracts in the '90s dealing with</p> <p>12 analytical chemistry work.</p> <p>13 Q What are you going to have to do to go</p> <p>14 check on that?</p> <p>15 A I don't know. I'd have to go back and</p> <p>16 see if -- because this is my -- my CV. I -- yeah,</p> <p>17 I don't know how I would find that information</p> <p>18 right now.</p> <p>19 Q If you flip over to page 4, you see that</p> <p>20 word again "Selected Continuing Education."</p> <p>21 A Right.</p> <p>22 Q So this is not a complete list, is it?</p> <p>23 A So again, there may have been some</p> <p>24 courses that I didn't put on there, you know, an</p> <p>25 hour or two here. This is the pertinent</p>	<p style="text-align: right;">Page 84</p> <p>1 saying.</p> <p>2 Q Okay. Was any of it mentioned on your</p> <p>3 CV?</p> <p>4 A So that wouldn't be -- I am not listed</p> <p>5 as an author on those publications.</p> <p>6 Q Is there anything that you have here</p> <p>7 today that you could look at to tell us what data</p> <p>8 has been published on those NTP studies you were</p> <p>9 involved in?</p> <p>10 A So the data itself is -- I'd have to</p> <p>11 look on the NTP website to see which studies may</p> <p>12 have been published through the NTP, and I</p> <p>13 don't -- and then I'd have to figure out from</p> <p>14 there if they've been published by the NTP whether</p> <p>15 or not they have been -- submitted those results</p> <p>16 to the peer-reviewed literature.</p> <p>17 Q So it's something that you could figure</p> <p>18 out.</p> <p>19 A Yes.</p> <p>20 Q Okay. All right. So where were we?</p> <p>21 THE WITNESS: Could we take a break at</p> <p>22 some point?</p> <p>23 MR. MEADOWS: Yep, sure, that's fine</p> <p>24 with me, if your -- if your lawyer's okay with it.</p> <p>25 MR. ZELLERS: It's up to you. You're</p>
<p style="text-align: right;">Page 83</p> <p>1 continuing education as -- as it applies to my CV.</p> <p>2 Q And what would you need to do to go</p> <p>3 figure out how to make this list complete?</p> <p>4 MR. ZELLERS: Objection. Form.</p> <p>5 THE WITNESS: I would call this a</p> <p>6 complete list. These are the ones that I -- there</p> <p>7 may have been a class that I went to that --</p> <p>8 that's not on there, so I added the word</p> <p>9 "selected."</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Earlier you mentioned some NTP studies</p> <p>12 that you were involved in. Did I hear that</p> <p>13 correctly?</p> <p>14 A Yes.</p> <p>15 Q Okay. And can you tell me, has the data</p> <p>16 from those studies been published?</p> <p>17 A Some have through the NTP website. I</p> <p>18 don't know about the peer-reviewed literature.</p> <p>19 Q Can you tell me about that?</p> <p>20 A Vaguely.</p> <p>21 Q Vaguely?</p> <p>22 A Vaguely. Just from memory, I don't --</p> <p>23 Q Go ahead.</p> <p>24 A I'd have -- I'd have to go back and</p> <p>25 look, because I want to be accurate about what I'm</p>	<p style="text-align: right;">Page 85</p> <p>1 the questioner.</p> <p>2 MR. MEADOWS: Am I in complete control?</p> <p>3 Did I just give it all to me?</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 10:28 a.m., and we're going off the record.</p> <p>6 (Recess.)</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 10:40 a.m., and we're back on the record.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q All right. Dr. Moore, what did you do</p> <p>11 to prepare for your deposition?</p> <p>12 A I reviewed my report, looked at some --</p> <p>13 and looked at some articles. Also I read through</p> <p>14 some depositions.</p> <p>15 Q Okay. And what articles did you look</p> <p>16 at?</p> <p>17 A Various ones.</p> <p>18 Q Okay. Which ones?</p> <p>19 A Well, I'd have to -- I'd have to go</p> <p>20 through my report and point them out.</p> <p>21 Q Go right ahead.</p> <p>22 A Okay. (Peruses document.)</p> <p>23 I think I probably concentrated -- I'm</p> <p>24 just going to -- let's see. So I looked through</p> <p>25 IARC, Volume 93.</p>

<p style="text-align: right;">Page 86</p> <p>1 Some of the case-control and cohort 2 studies. I don't recall exactly which ones I 3 reviewed. Wu -- I know I reviewed one of the Wu 4 studies, maybe both. Cramer, some of the studies 5 that were published by Cramer. 6 Penninkilampi, Gertig, the Gates 7 studies, Claughton, Gonzales. 8 Again, there are a lot of case-control 9 studies. I don't know if I can recall exactly 10 which ones I may have reviewed. 11 Are we talking since I issued my report? 12 Q My question is, what did you do to 13 prepare for your deposition? 14 A Right. And so that would be anything 15 that related -- I read -- so I looked at the 16 Hamilton study. The NTP studies. Keskin's. 17 I really just went through my report and 18 refreshed myself with some of these articles. And 19 there's probably some that aren't in my report 20 that are just on my -- what was the title of this 21 list? Just the materials that I considered. 22 Looked at Wahrheit. The NTP study of 23 1,3-butadiene. The NTP study of -- I don't -- oh, 24 yeah. So the NTP studies of benzene, of 25 4-cyclo -- sorry, 4-vinylcyclohexene. The NTP</p>	<p style="text-align: right;">Page 88</p> <p>1 today, right? 2 Q Well, I mean specifically getting ready 3 to sit there and give testimony today, when did 4 that process start? 5 A Well, I guess when I started reviewing 6 the data for this project. 7 Q Have you met with lawyers to prepare for 8 this deposition? 9 A I have. 10 Q When did that start? 11 A I can't remember the exact date, but 12 probably a month ago. 13 Q Since you submitted your report? Or did 14 it start before then? 15 MR. ZELLERS: The preparation for 16 deposition? 17 MR. MEADOWS: Yes. 18 THE WITNESS: So the meetings I had for 19 preparation of deposition started about a month 20 ago, which would be after I generated my expert 21 report. 22 BY MR. MEADOWS: 23 Q Who did you meet with to prepare for 24 your deposition? 25 A Mr. Zellers, Jessica Miller, Geoffrey</p>
<p style="text-align: right;">Page 87</p> <p>1 studies of nitrofurazone. The NTP study of 2 nitrofurantoin. The NTP study of N-methylmac -- 3 sorry, N-methylolacrylamide. The NTP study of 4 4-vinyl 1-cyclohexydenediepoxy. The NTP study 5 of urethane, ethanol, urethane/ethanol. NTP 6 studies of acrylamide. 7 Schildkraut. The study by Keskin. The 8 study by Henderson. There are multiple studies by 9 Henderson that I reviewed. A study by Heller. 10 The study by -- I think I already said IARC, 11 Volume 93. Saed study from 2017. Trabert -- the 12 Trabert study. 13 I cannot remember the last time that I 14 reviewed the data for pleurodesis, if that was 15 before I wrote my report or in -- in preparations 16 for today, specifically. 17 The study by Berry, Wignall, Pira, 18 Magnani, Wilczynska, Wang, Magnani, Langseth, 19 Ferrante. 20 Should I err on the side of caution if I 21 can't remember if I read them directly? 22 Q When did you start preparing for this 23 deposition? 24 A Well, in preparation meaning 25 understanding this topic that we're discussing</p>	<p style="text-align: right;">Page 89</p> <p>1 White -- 2 MR. WYATT: Wyatt. 3 THE WITNESS: Wyatt. All right. Wyatt. 4 Not good with the names obviously. 5 And then also Su-Lyn Combs. 6 BY MR. MEADOWS: 7 Q I'm sorry? 8 A Su-Lyn, S-U, dash, L-Y-N, Combs, 9 C-O-M-B-S. 10 Q How many times did you meet with them? 11 MR. ZELLERS: Meet with the lawyers? 12 MR. MEADOWS: Yes. 13 THE WITNESS: About five. 14 BY MR. MEADOWS: 15 Q And how many hours each time? 16 A A few hours each time. 17 Q What's a few? 18 A Somewhere between two and five, 19 estimating. 20 Q So you're saying you spent a total of 10 21 to 25 hours with lawyers in preparation for your 22 deposition today? 23 A So I said we met about five times, two 24 to five hours. That's what I said. 25 Q Okay. That'd be a total of about 10 to</p>

<p style="text-align: right;">Page 90</p> <p>1 25, right?</p> <p>2 A In general.</p> <p>3 Q Where did these meetings take place?</p> <p>4 A Some occurred here and in our Seattle</p> <p>5 office or Red -- we're in Redwood, Washington.</p> <p>6 Q And the meetings never lasted any more</p> <p>7 than five hours at a time?</p> <p>8 A Generally, that's my recollection.</p> <p>9 Q Were you ever videotaped in preparation</p> <p>10 for your deposition today?</p> <p>11 A I was not.</p> <p>12 Q Anything else you did besides review</p> <p>13 your report, look at articles, read depositions,</p> <p>14 and meet with lawyers in order to prepare for your</p> <p>15 deposition today?</p> <p>16 A So I think that's -- that's the</p> <p>17 totality, as far as I can recall.</p> <p>18 Q Are there specific depositions that you</p> <p>19 read in the last -- or since you drafted your</p> <p>20 report that you read in preparation for this</p> <p>21 deposition today?</p> <p>22 A So I -- they are in my -- in my -- the</p> <p>23 complete list of materials, they're listed there.</p> <p>24 If you would like me to find them.</p> <p>25 Q I really want you to tell me based on</p>	<p style="text-align: right;">Page 92</p> <p>1 cleavage fragments.</p> <p>2 How many hours have you spent on that?</p> <p>3 A I didn't look to see how many hours I</p> <p>4 spent on that project.</p> <p>5 Q Is that -- has that been a big project?</p> <p>6 A I -- I don't know what you mean by</p> <p>7 "big."</p> <p>8 Q Has it consumed most of your time?</p> <p>9 A Well, it depends what the time period</p> <p>10 you're asking.</p> <p>11 Q Okay. What time period did it consume</p> <p>12 most of your time?</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 THE WITNESS: I don't think that's what</p> <p>15 I said.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Okay. What did you say?</p> <p>18 A I was asking you, sorry, to clarify your</p> <p>19 question.</p> <p>20 Q Well, has there been a period of time</p> <p>21 since you started the project where the majority</p> <p>22 of your time has been spent working on that</p> <p>23 particular project?</p> <p>24 MR. ZELLERS: Objection. Vague.</p> <p>25 THE WITNESS: So which project are we</p>
<p style="text-align: right;">Page 91</p> <p>1 your memory, are there any specific depositions</p> <p>2 that you read in preparation for your deposition</p> <p>3 today?</p> <p>4 MR. ZELLERS: Objection. Vague. Form.</p> <p>5 THE WITNESS: So I -- I read through</p> <p>6 these depositions to understand more about the</p> <p>7 deposition process. I don't know if a specific --</p> <p>8 if that meets the criteria of your question or</p> <p>9 not.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q So the depositions that are -- that were</p> <p>12 not listed -- well, I don't know if there were any</p> <p>13 listed on your original that were -- the</p> <p>14 depositions that you -- that now have an asterisk</p> <p>15 next to them, are those ones that you read in</p> <p>16 preparation for this deposition?</p> <p>17 MR. ZELLERS: Objection. Form.</p> <p>18 THE WITNESS: So I read them after I</p> <p>19 issued my report.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Correct.</p> <p>22 A Right. And to understand this</p> <p>23 deposition process.</p> <p>24 Q Let me go back for a minute to the work</p> <p>25 that you did for J&J regarding asbestos and</p>	<p style="text-align: right;">Page 93</p> <p>1 talking about?</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Asbestos and cleavage fragments.</p> <p>4 A Okay. And what is the time period that</p> <p>5 you're asking?</p> <p>6 Q Well, you told me that that's an ongoing</p> <p>7 project that started around December of 2017, and</p> <p>8 it continues to -- it hasn't been closed.</p> <p>9 So my question is, has there been a</p> <p>10 period of time where the majority of your time has</p> <p>11 been spent working on that project?</p> <p>12 A Right.</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 THE WITNESS: Well, and my question to</p> <p>15 you was, what is the time period that you're</p> <p>16 defining? Is your time period a one day or is it</p> <p>17 a week, is it a month? I don't understand the</p> <p>18 question.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q Okay. How about a month.</p> <p>21 A So -- so what is your question? Sorry.</p> <p>22 Now -- I was too sidetracked on the time period.</p> <p>23 Q All right. What -- is the rate that you</p> <p>24 charged on that project the same rate that you are</p> <p>25 charging J&J in this case?</p>

<p style="text-align: right;">Page 94</p> <p>1 A I'd have to go back and look, but my --</p> <p>2 because I'm not sure if my rate has changed over</p> <p>3 that time period. But my rate is my rate that I</p> <p>4 would charge on every project, the same rate.</p> <p>5 Q What is your rate?</p> <p>6 A It's \$400 an hour for consulting, and</p> <p>7 \$600 for deposition and trial testimony.</p> <p>8 Q And has that rate changed since -- was</p> <p>9 that rate different in December of 2017?</p> <p>10 A It may have been and probably was,</p> <p>11 because it was before I was promoted to principal.</p> <p>12 Q And what was the last rate that you had</p> <p>13 before the 400 and 600?</p> <p>14 A I would have to go back to company</p> <p>15 records to look.</p> <p>16 Q Just don't remember?</p> <p>17 A I don't. I don't want to be inaccurate.</p> <p>18 Q Mm-hmm. And the records that you do</p> <p>19 have pertaining to your billing and your work on</p> <p>20 the J&J project that started in December of 2017</p> <p>21 regarding asbestos and fragments, those are at</p> <p>22 your office, right?</p> <p>23 A Those are in our office records, I</p> <p>24 assume, yeah.</p> <p>25 Q Well, I'm going to ask you to make sure</p>	<p style="text-align: right;">Page 96</p> <p>1 employee. It's more of an ownership position.</p> <p>2 Q What month in 2018 did that start?</p> <p>3 A April.</p> <p>4 Q So it's been about a year?</p> <p>5 A Yes.</p> <p>6 Q And before that, from 2013 to 2018, you</p> <p>7 were senior toxicologist. Tell -- tell me how</p> <p>8 that is different from being a principal.</p> <p>9 A So the only difference is regarding an</p> <p>10 ownership position in the company.</p> <p>11 Q Is the pay the same?</p> <p>12 A The pay is the same.</p> <p>13 MR. ZELLERS: You don't have to get into</p> <p>14 the pay, but -- all right, you answered.</p> <p>15 THE WITNESS: Well -- sorry.</p> <p>16 MR. ZELLERS: That's fine.</p> <p>17 THE WITNESS: Yeah, my salary is the</p> <p>18 same.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q But now you're an owner in the company,</p> <p>21 correct?</p> <p>22 A I was before as well.</p> <p>23 Q As a senior toxicologist you were an</p> <p>24 owner in the company?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 95</p> <p>1 those don't get disposed of because we're going to</p> <p>2 be asking for them. Okay?</p> <p>3 MR. ZELLERS: And you -- she hears your</p> <p>4 statement. So...</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Just to be clear, we will be asking for</p> <p>7 your billing records and all records pertaining to</p> <p>8 that project at some point in time. So do not let</p> <p>9 those get destroyed, okay?</p> <p>10 MR. ZELLERS: All right. So that was a</p> <p>11 statement. That's not a question. And,</p> <p>12 Mr. Meadows, we will be objecting, but we can</p> <p>13 discuss it offline and later.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q What's the difference between senior</p> <p>16 toxicologist and principal toxicologist at</p> <p>17 Veritox?</p> <p>18 I see that you were senior toxicologist</p> <p>19 from 2013 to 2018, and then 2018 you became</p> <p>20 principal toxicologist.</p> <p>21 A That's correct, I became a principal in</p> <p>22 2018.</p> <p>23 Q What is a -- what's a "principal" mean</p> <p>24 at Veritox?</p> <p>25 A So it's a -- a different status of</p>	<p style="text-align: right;">Page 97</p> <p>1 Q Okay. I'm still not -- then I'm not</p> <p>2 understanding the difference between a senior and</p> <p>3 principal. Can you tell me what the difference</p> <p>4 is?</p> <p>5 A The level of ownership.</p> <p>6 Q The level of ownership. Okay.</p> <p>7 So tell me how that's changed for you</p> <p>8 from becoming a -- from going to a senior to a</p> <p>9 principal.</p> <p>10 MR. ZELLERS: In generalities. So...</p> <p>11 THE WITNESS: So in generalities, I</p> <p>12 would say that it hasn't changed -- sorry. Let me</p> <p>13 go back. What was your question?</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Well, you told me the difference between</p> <p>16 being a senior and a principal at Veritox is level</p> <p>17 of ownership. So I'd like to know the difference</p> <p>18 between -- you know, levels of ownership between</p> <p>19 those two positions.</p> <p>20 A So -- so the actual percentage wasn't</p> <p>21 that different. So still I'm -- I would -- I had</p> <p>22 to buy some more, but still I'm a minor owner of</p> <p>23 the company, and then the difference is in the</p> <p>24 bonus structures.</p> <p>25 Q So your salary is the same, but your --</p>

<p style="text-align: right;">Page 98</p> <p>1 you have a different level of ownership in the 2 company, and your bonus, I assume, is potentially 3 greater now. Is that fair to say? 4 A The bonus structure is different. 5 Q I would assume it's better as a 6 principal than it is as a senior toxicologist. 7 MR. ZELLERS: Objection. Form. 8 THE WITNESS: So I would say it's 9 different and it -- it depends on the year. 10 BY MR. MEADOWS: 11 Q Tell me why is it that you became a 12 principal. How did that happen and why did it 13 happen? 14 A I -- the -- the company right now, the 15 principals are older, and they want some younger 16 people to come in to assume hopefully in the 17 future bigger ownership roles, and so they're 18 trying to get younger people in. 19 Q Was Veritox doing any work for J&J 20 before you started doing the asbestos/cleavage 21 fragment work for them in December of 2017? 22 A I'm not sure when Bryan Hardin -- 23 Dr. Hardin's work began. 24 Q So Dr. Hardin's work may have started 25 after yours did?</p>	<p style="text-align: right;">Page 100</p> <p>1 THE WITNESS: I work on a lot of 2 projects, a lot of different -- for a lot of 3 different people and entities, and I just -- right 4 now I can't pick -- pick that out of my brain. 5 I'm sorry. 6 BY MR. MEADOWS: 7 Q Maybe let's get a little context then. 8 Why don't we look at your billing in this case. 9 So -- so I was provided with some 10 billing records last night as part of materials 11 that your lawyers sent to us. 12 Do you have those in front of you? 13 A I do. 14 Q Okay. And does that reflect -- do those 15 documents reflect the billing that you've done to 16 date in this case? 17 A These documents are through the February 18 billing. 19 Q Okay. So it looks like -- okay. So 20 have you billed for March yet? 21 A We have not. 22 Q And do the -- the rates -- I -- I don't 23 think I saw the rates on here anywhere. But I 24 would assume that if I did the math, then I'm 25 going to find that it's -- this all comes out to</p>
<p style="text-align: right;">Page 99</p> <p>1 A I don't know when his started. 2 Q Is he still doing work for J&J? 3 A I don't know the status of his projects. 4 Q What is his position at Veritox? 5 A He's a principal. 6 Q How long has he been a principal? 7 A Longer than I've been there. 8 Q Did -- has Veritox been paid more from 9 J&J as a result of the asbestos/cleavage fragment 10 work than they've been paid from J&J on the 11 litigation work that you've done? 12 A So I'm not in a position right now to -- 13 to speculate on how much was with the asbestos and 14 cleavage fragment work. That would be a guess. 15 Q Well, have you spent more hours working 16 on the asbestos and cleavage fragment work than 17 you have spent so far working on the litigation 18 work? 19 A Well, I haven't thought about how many 20 hours in total I -- I worked on the asbestos and 21 cleavage fragment work in order to do a 22 comparison. 23 Q Just no clue as to whether one is more 24 than the other. 25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 101</p> <p>1 be \$400 an hour on here. Is that correct? 2 A No. So this reflects work that was done 3 by both myself and my staff. 4 Q Okay. And it starts on December 5th of 5 2018; is that right? At least that's the first -- 6 A Yes. 7 Q -- date that you started billing for; is 8 that right? 9 A That's what -- let me -- let me make 10 sure that's right. Just different. It looks like 11 the first, yes, date was December 15th, 2000 -- 12 oh, no. There's another one on the second page, 13 that was December 4th, 2018. 14 Q Okay. 15 A So the beginning of December 2018 is 16 when we started. 17 Q And that would be consistent with you 18 having been -- Ms. Curry having reached out to you 19 at the end of November of 2018, right? 20 A Ms. Curry reached out to me the end of 21 November 2018. 22 Q And at that point, did you enter into a 23 written engagement between -- well, did you enter 24 into a written engagement at that point? 25 A No, there was not a written engagement.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q Is there one now?</p> <p>2 A No, there's not.</p> <p>3 Q There's no formal written contract</p> <p>4 between you or Veritox and J&J or anyone else that</p> <p>5 is -- that would be the basis of what you're --</p> <p>6 the services you're performing in this case.</p> <p>7 A It was not a retainment letter, I think</p> <p>8 is what you're referring to, for -- for this,</p> <p>9 correct.</p> <p>10 Q Is that standard for Veritox? Do they</p> <p>11 usually enter into written agreements with the</p> <p>12 people they work for?</p> <p>13 A So some -- I would say some clients do</p> <p>14 have written agreements and some don't.</p> <p>15 Q And why do some have and others don't?</p> <p>16 A I don't know why --</p> <p>17 Q What's --</p> <p>18 A -- people do what they do.</p> <p>19 Q Well, what is Veritox's typical practice</p> <p>20 in that regard?</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 Foundation.</p> <p>23 THE WITNESS: Well, so like I said,</p> <p>24 sometimes there are written engagements and</p> <p>25 sometimes there are not.</p>	<p style="text-align: right;">Page 104</p> <p>1 documents you have there?</p> <p>2 A It's probably about 300,000.</p> <p>3 Q About 300,000. Okay.</p> <p>4 So that's 300,000 for work done over the</p> <p>5 course of three months?</p> <p>6 A Yes.</p> <p>7 Q So about \$100,000 a month roughly?</p> <p>8 A If you do the -- that's the average.</p> <p>9 Q All right. So going back to the work</p> <p>10 that started with J&J in December of 2017, have</p> <p>11 you -- has there been any month where you have</p> <p>12 billed in the neighborhood of \$100,000 to J&J for</p> <p>13 that work?</p> <p>14 A Well, I'd have to again go back and look</p> <p>15 at the records.</p> <p>16 Q You just have no way of having any feel</p> <p>17 for that as you sit here today.</p> <p>18 A Well, I could guess, but I didn't think</p> <p>19 I was supposed to guess. I mean, I want to be</p> <p>20 accurate in my testimony.</p> <p>21 Q When were your -- when does -- we're now</p> <p>22 at April 4th. When will your March bill go out?</p> <p>23 A I don't know exactly when it will go</p> <p>24 out. I'm -- I assume our accounting department is</p> <p>25 working on it.</p>
<p style="text-align: right;">Page 103</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q Well, is Veritox the one in whatever</p> <p>3 relationship that dictates whether or not there is</p> <p>4 going to be a written engagement or is it the</p> <p>5 person that's hiring you?</p> <p>6 MR. ZELLERS: Objection. Form.</p> <p>7 THE WITNESS: So I guess I don't</p> <p>8 understand the question.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Well, you tell me that sometimes there's</p> <p>11 a written engagement and sometimes there's not.</p> <p>12 I'm trying to figure out why that happens, why</p> <p>13 sometimes there's one and why sometimes there's</p> <p>14 not.</p> <p>15 Is that something that Veritox dictates</p> <p>16 or is that something that your clients dictate?</p> <p>17 A I -- so I think it is a client-by-client</p> <p>18 issue or principal-by-principal issue. I don't --</p> <p>19 I don't think you can say globally that -- I can't</p> <p>20 answer that.</p> <p>21 Q Was there a written engagement on the</p> <p>22 J&J work that you started on in December of 2017?</p> <p>23 A No, there was not.</p> <p>24 Q Approximately how much have you billed</p> <p>25 so far in this litigation as reflected in the</p>	<p style="text-align: right;">Page 105</p> <p>1 Q I see on this bill that it looks like</p> <p>2 it's going to the law firm of Orrick.</p> <p>3 A Correct.</p> <p>4 Q Attention Peter Bicks. Do you know</p> <p>5 Peter?</p> <p>6 A No.</p> <p>7 Q Have you had any contact with lawyers at</p> <p>8 Orrick?</p> <p>9 A No, I don't believe so.</p> <p>10 Q Who do your bills go to on the project</p> <p>11 that was started back in 2017?</p> <p>12 MR. ZELLERS: If you know.</p> <p>13 THE WITNESS: I believe they go to the</p> <p>14 same address and attention.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Before Ms. Curry called you in -- I</p> <p>17 believe you told me she -- she called you for the</p> <p>18 work at -- the asbestos/cleavage fragment work,</p> <p>19 correct?</p> <p>20 A No.</p> <p>21 Q Okay. Who called you to work on the J&J</p> <p>22 project for asbestos and cleavage fragment?</p> <p>23 MR. ZELLERS: Objection. Form, asked</p> <p>24 and answered.</p> <p>25 THE WITNESS: So that was -- the person</p>

<p style="text-align: right;">Page 106</p> <p>1 that called me for the asbestos and cleavage 2 fragment work was Jonathan Cooper. 3 BY MR. MEADOWS: 4 Q Jonathan Cooper. I'm sorry. Right. 5 And had you ever met Mr. Cooper before? 6 A I didn't recall meeting him before. 7 Q Did he seem to feel like y'all had met 8 before? 9 MR. ZELLERS: Well, again, I'm going to 10 instruct her not to talk about or divulge 11 communications with counsel. 12 So I'll instruct you not to answer that 13 question. 14 BY MR. MEADOWS: 15 Q Was Mr. Cooper present at your summer of 16 2017 presentation that we have slides for here 17 today? 18 MR. ZELLERS: Foundation, form 19 objection. 20 THE WITNESS: So I don't know exactly 21 who was present and who wasn't present. He -- he 22 told me that he was there. 23 MR. ZELLERS: Okay. And again, I'd ask 24 you not to divulge or talk about communications 25 with counsel. But that's -- that's fine.</p>	<p style="text-align: right;">Page 108</p> <p>1 A No, not those specific test articles. 2 Q What percentage of your work pertains to 3 litigation, whether you've testified or not? 4 A Again, I don't -- our company doesn't 5 keep track of those type of records. So that 6 would be a guess. 7 Q Well, is more of your work dedicated to 8 litigation than anything else? 9 MR. ZELLERS: Objection. Form. 10 THE WITNESS: So it -- it depends on the 11 current project workload. 12 BY MR. MEADOWS: 13 Q So over the last year, has more of your 14 work been dedicated to litigation or not? 15 A Again, it's hard -- hard to say. I work 16 on a variety of projects for a lot of different 17 entities. So obviously this work in the last 18 three months, if we're talking about an average, 19 is going to impact the overall average. So I'm 20 not -- I'm not sure. 21 Q Did in -- in the course of your 22 preparation of your -- well, in the course of your 23 work on this case, have you been provided with any 24 internal company documents? 25 A So the -- the work on this case, I</p>
<p style="text-align: right;">Page 107</p> <p>1 THE WITNESS: Okay. 2 BY MR. MEADOWS: 3 Q What percentage of your work since 4 December of 2017 has been with respect -- or has 5 been for Johnson & Johnson? 6 A So I don't keep track of those type of 7 numbers. 8 Q Well, has it been more than 50 percent? 9 A I don't keep track of those numbers. 10 Q Well, have you spent most of your time 11 working on these J&J projects over -- over the 12 last year? 13 MR. ZELLERS: Objection. Form. 14 THE WITNESS: So that's a long time 15 period. I would say no, not the majority of my 16 time over the last year, since this -- what, since 17 December of 2017. 18 BY MR. MEADOWS: 19 Q I know that we -- you have disclosed a 20 case that you testified in, but have you also done 21 litigation work that -- where you have not 22 testified? 23 A I have. 24 Q And what -- has any of that litigation 25 work pertained to asbestos and/or talcum powder?</p>	<p style="text-align: right;">Page 109</p> <p>1 received some documents that were attachments 2 to -- so I guess the simple answer is yes, and I 3 can -- I can tell you which ones. 4 Q They would be referenced in your list? 5 A They would be. 6 Q Okay. I want to turn now to the 7 conference that you spoke at in the summer of 8 2017. And I believe your -- well, I know that 9 your lawyer provided that to me last night. 10 Have you found that in the materials? 11 A I have, yes. Thank you. 12 Q So how many pages are you showing that 13 presentation to be? 14 It might be easier just to identify what 15 the last page is for me and show it to me so we 16 make sure we're on the same page. 17 A So the last slide from the actual 18 presentation was this (indicating) slide, and then 19 there were some additional slides that weren't 20 shown. 21 Q Okay. 22 A If that's what you're asking. So then 23 the actual end of the materials that were 24 submitted -- that were available at the conference 25 I think included these extra slides that I didn't</p>

<p style="text-align: right;">Page 110</p> <p>1 present, and then it goes to this human studies.</p> <p>2 Q Okay.</p> <p>3 MR. ZELLERS: And that's the last page</p> <p>4 of the materials that were available?</p> <p>5 THE WITNESS: Yes, for --</p> <p>6 MR. ZELLERS: For the summer --</p> <p>7 THE WITNESS: Yeah, this is the last</p> <p>8 page of the materials that were available for the</p> <p>9 conference attendees.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q That's the one that has -- it's "Talc</p> <p>12 Dusted Diaphragms"?</p> <p>13 A Yes.</p> <p>14 Q But as far as what you presented, it</p> <p>15 ends somewhere before that.</p> <p>16 A Right. It ends the one right before</p> <p>17 the -- that page that says "Additional slides."</p> <p>18 Q "Additional slides." Okay. Good</p> <p>19 enough. Thank you.</p> <p>20 All right. So tell me how this -- how</p> <p>21 did this come about that you had this opportunity</p> <p>22 to -- to speak at this conference?</p> <p>23 A So one of my colleagues, Dr. Kelman,</p> <p>24 came and asked me, he said there's -- there was an</p> <p>25 opportunity that someone had asked him to do an</p>	<p style="text-align: right;">Page 112</p> <p>1 Q Approximately what time period was that?</p> <p>2 A Before June. I -- I don't know exactly</p> <p>3 when it was. Months before that.</p> <p>4 Q And who asked him to do this</p> <p>5 presentation?</p> <p>6 A Who asked him?</p> <p>7 Q Yes.</p> <p>8 A I don't know.</p> <p>9 Q And so you agreed to present?</p> <p>10 A I -- I did agree to present, to do the</p> <p>11 literature -- or to review the literature and</p> <p>12 present the subject.</p> <p>13 Q Okay. So this group of slides that we</p> <p>14 have here -- well, first of all, let me ask you</p> <p>15 this: This was done --</p> <p>16 MR. MEADOWS: Let me have this.</p> <p>17 (Counsel conferring.)</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Who is the American Conference? Is that</p> <p>20 who -- is that who sponsors this?</p> <p>21 A It's put on by the American Conference</p> <p>22 Institute.</p> <p>23 Q Okay. We're going to mark these -- what</p> <p>24 are we on, 3?</p> <p>25 MR. MEADOWS: Okay. Mark this as 3 and</p>
<p style="text-align: right;">Page 111</p> <p>1 analysis of -- the causation analysis of --</p> <p>2 between talc and ovarian cancer, and understand</p> <p>3 the difference in the causation analysis between</p> <p>4 asbestos and mesothelioma.</p> <p>5 Q This was Dr. Kelman?</p> <p>6 A Kelman. K-E-L-M-A-N.</p> <p>7 Q Okay. Someone had come and -- to him</p> <p>8 and asked him what?</p> <p>9 A Asked him to do a presentation on the</p> <p>10 subject matter.</p> <p>11 Q Okay. And who is Dr. Kelman again?</p> <p>12 A So he is the principal and president of</p> <p>13 Veritox. A principal toxicologist and president.</p> <p>14 Q Okay. All right. So somebody asked</p> <p>15 him --</p> <p>16 A Asked him to do it --</p> <p>17 Q -- to do a presentation --</p> <p>18 A -- and he was unable to do it, and asked</p> <p>19 me if I was -- was interested and would be</p> <p>20 available.</p> <p>21 Q When you say he was unable to do it,</p> <p>22 what -- what do you mean by that?</p> <p>23 A He had some kind of conflict, I believe.</p> <p>24 Q So he asked you to do it.</p> <p>25 A Right.</p>	<p style="text-align: right;">Page 113</p> <p>1 that as 4.</p> <p>2 (Moore Exhibit Nos. 3 and 4 were</p> <p>3 marked for identification.)</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q Let me show you what I've marked as</p> <p>6 Exhibits 3 and 4.</p> <p>7 MR. ZELLERS: Do you have any copies?</p> <p>8 Okay, great.</p> <p>9 MR. MEADOWS: I believe I do.</p> <p>10 MR. ZELLERS: Thank you.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 MR. MORIARTY: Do you have any extras?</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q Have you had a chance to take a glance</p> <p>15 at at least No. 3, Exhibit 3?</p> <p>16 A Yes, I have seen this.</p> <p>17 Q Okay. And to me it appears to be an</p> <p>18 agenda for this particular conference. How would</p> <p>19 you characterize it?</p> <p>20 MR. ZELLERS: Form, foundation.</p> <p>21 Objection.</p> <p>22 THE WITNESS: So I don't know what this</p> <p>23 is, to be honest. It seems to be about this</p> <p>24 conference.</p> <p>25 BY MR. MEADOWS:</p>

<p style="text-align: right;">Page 114</p> <p>1 Q Okay. In any event, your name is on 2 there, right? 3 A It is. 4 Q Dr. H. NADIA MOORE, 5 AmericanConference.com, Sixth Annual Toxic Tort 6 Environmental Litigation. 7 And it identifies you as a speaker, 8 right? 9 A Yes, I believe that's true. 10 Q And so have you ever spoken at one of 11 these conferences before? 12 A I had not. 13 Q No? Okay. And Exhibit 4 -- first of 14 all, before we go to Exhibit 4, Exhibit 3 15 describes what the conference is all about. I 16 notice the title is "Talc: The Next Asbestos? 17 Analyzing Recent Explosion of Talc Related 18 Claims." 19 And then it describes what the 20 conference is all about, right? 21 A Well, so that's the title. I don't know 22 who -- who made up this description, "What is it 23 about?" 24 Q The date, June 22, 9:30 a.m., is that 25 when the conference was?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q And then here we've got Exhibit 4. 2 American Conference Institute, and down here it 3 says it's sponsored by Hepler -- HeplerBroom, 4 right? 5 A That -- I mean that's -- 6 MR. ZELLERS: Objection. Form. 7 Go ahead. 8 THE WITNESS: That's what it says. 9 BY MR. MEADOWS: 10 Q Okay. Are you familiar with that law 11 firm? 12 A No. 13 Q There's some other law firms in here 14 referenced. 15 Blank Rome, are you familiar with that 16 firm? 17 A Where are you? No. 18 Q All right. So going back to your -- 19 your PowerPoint presentation. 20 A Okay. 21 Q I'm going to flip over to what I think 22 is the second page of it. 23 And this is the slide you created, 24 right? 25 A Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 I highlighted it for you up there on the 2 screen if that helps. 3 A That's what it says. I can't remember 4 if that was the exact time. 5 Q Okay. And this was at the Wyndham Grand 6 in Chicago, right? 7 A Yes. 8 Q It looks like it was a three-day 9 conference. 10 MR. ZELLERS: Can you show her what 11 you're looking at? 12 MR. MEADOWS: Yeah. Right here 13 (indicating). 14 THE WITNESS: Oh, I think originally it 15 was three, but it wasn't actually. 16 BY MR. MEADOWS: 17 Q All right. So back to my question, have 18 you ever spoken at one of these conferences 19 before? 20 A So at an ACI conference? 21 Q Yeah. 22 A I thought I answered that, no, I had 23 not. 24 Q Okay. Do you know if Dr. Kelman had? 25 A I don't know.</p>	<p style="text-align: right;">Page 117</p> <p>1 Q By the way, who did create this 2 PowerPoint presentation? 3 A So I -- I did. 4 Q You did. You did all of it? 5 A Well, with some help from some staff. 6 So these slides that were -- that are in this 7 deck, yes. 8 Q Okay. And did you consult at all with 9 J&J before you agreed to give this presentation? 10 A No. 11 MR. ZELLERS: Object to form. 12 Foundation. 13 BY MR. MEADOWS: 14 Q Did J&J look at your presentation before 15 it was given? 16 A No. 17 Q Or submitted? 18 A No. 19 Q And so the first bullet point you have 20 on today's presentation bounds says: "Talc refers 21 to cosmetic talc without asbestos." 22 Is that the way that reads? 23 A That is. You read that correctly. 24 Q And then it says: "Cosmetic talc 25 arguably could be contaminated with asbestos, but</p>

<p style="text-align: right;">Page 118</p> <p>1 the majority of ovarian cancer cases do not 2 allege asbestos contamination and, thus, talc ^ Ck 3 today is without asbestos." 4 Is that what you said? 5 A Yes, I believe that's what you -- you 6 read that correctly. 7 Q And then down here you've got, "Asbestos 8 refers to fibrous amphiboles." Right? 9 A Yes. 10 Q And then, "Exposure/disease relationship 11 of asbestos and mesothelioma causation 12 established," and then "talc and ovarian cancer," 13 you have a question mark. Right? 14 A You've read that slide, yes. 15 Q You would agree that cosmetic talc can 16 be contaminated or it can have asbestos in it, 17 right? 18 MR. ZELLERS: Objection to form. 19 THE WITNESS: So that's a pretty general 20 question. 21 BY MR. MEADOWS: 22 Q Well, you said it right here: "Cosmetic 23 talc arguably could be contaminated with 24 asbestos." Right? 25 A The -- correct. There's been some</p>	<p style="text-align: right;">Page 120</p> <p>1 result of this conference about the prospect of 2 you working in this litigation? 3 MR. ZELLERS: Objection. Forming -- or 4 foundation, form. 5 THE WITNESS: Okay, so I guess, can you 6 rephrase that a little bit? 7 BY MR. MEADOWS: 8 Q Well, did you -- did you ever talk to 9 any lawyers at this conference regarding the 10 possibility of you working in this litigation? 11 A No. 12 Q Did -- as a result of this conference, 13 did you have follow-up communications with any 14 lawyers about the prospect of working in this 15 litigation? 16 MR. ZELLERS: And -- and you can answer 17 that question, but I'm going to instruct you not 18 to discuss communications that you and Mr. Cooper 19 had, you know, on or after he contacted you in 20 December of 2017. But, otherwise, you can answer 21 the question. 22 THE WITNESS: Let me refresh myself. So 23 I did talk to Jonathan Cooper, as we mentioned 24 earlier. 25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 119</p> <p>1 debate. 2 Q Now, did you -- at this conference did 3 you have opportunity to meet with or communicate 4 with lawyers who are working on this litigation? 5 MR. ZELLERS: Objection. Foundation. 6 THE WITNESS: So at the time, I guess I 7 didn't know who was working on the litigation and 8 who wasn't working on the litigation. 9 BY MR. MEADOWS: 10 Q Well, there were others there speaking 11 on this topic as well, right? 12 A That's -- other people spoke, yes. 13 Q There were lawyers there who were 14 speaking on this topic, right? 15 A Correct. 16 Q And so my question is, did you get an 17 opportunity to meet those other speakers? 18 A Right. But I think your -- your 19 question also said other attorneys that were 20 working in this litigation, and I didn't know if 21 they were actually working in the litigation or if 22 they were just presenting material like I was 23 that -- that it occurred. 24 Q Did you have any communications with 25 lawyers or others at -- at this conference or as a</p>	<p style="text-align: right;">Page 121</p> <p>1 Q Okay. 2 A And he -- he was at this conference. 3 Q He reached out to you. 4 A He did. 5 Q Now, there's also another PowerPoint 6 presentation that was provided to us last night. 7 That I found -- 8 A Yes. 9 Q -- in the materials. 10 A Yes. Yes. 11 Q When -- is that yours as well? 12 A It is, yes. 13 Q Okay. And when was that conference? 14 A That was in May of 2018. 15 Q So May of 2018, that was after you had 16 started doing the asbestos/cleavage fragment work 17 for J&J, correct? 18 A That is correct. 19 Q Tell me how this opportunity came about 20 for you to -- to make a presentation at this 21 conference. 22 A So we had already -- I had already 23 assembled a lot of the literature that we just 24 discussed for the ACI talk, and in talking with 25 others in my office, we thought it would be a good</p>

<p style="text-align: right;">Page 122</p> <p>1 idea to present at AIHce. And so I got together 2 with two other individuals and we put together a 3 proposal for a session at AIHce, which is the 4 American Industrial Hygiene Conference and 5 Exposition. 6 Q So this was Veritox -- you and Veritox 7 making a decision that you wanted to make a 8 presentation at this particular conference, right? 9 A So this is a scientific conference. We 10 were always looking for opportunities to present 11 science that we've done, and so we looked for the 12 opportunity, and submitted a proposal for this 13 work. 14 Q Okay. But by now you had been doing 15 work for J&J on the asbestos/cleavage -- cleavage 16 fragment issue, right? 17 A Well, so the proposal -- that was true 18 when I gave the talk. The proposal was due in 19 fall of 2017. So that would have been before I 20 started the cleavage fragment consultation. 21 Q And so it looks like you -- you gave 22 this presentation along with two others; is that 23 correct? 24 A Two others helped me with the 25 presentation, yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. ZELLERS: Okay. Hold on. So I will 2 let you answer that question "yes" or "no." I -- 3 I am instructing you not to talk about the 4 consulting you did for J&J, but you can answer 5 Mr. Meadows' question if you're able to. 6 THE WITNESS: So by -- by J&J, you mean 7 the attorneys? 8 BY MR. MEADOWS: 9 Q Anybody. I mean did you -- did you talk 10 to the attorneys or J&J directly about the fact 11 that you were going to be giving this 12 presentation? 13 A I let them know that I was giving the 14 presentation. 15 Q And did -- did you submit your slides or 16 your ideas about the presentation to J&J or the 17 lawyers before you -- before you turned it in for 18 presentation? 19 MR. ZELLERS: All right. I'll allow you 20 to answer that question. 21 THE WITNESS: So I can't remember the 22 exact timing of when that occurred, but we gave 23 the J&J attorneys a copy of the PowerPoint. And 24 again, I don't know which came first, the 25 submission for AIHce or that e-mail that went to</p>
<p style="text-align: right;">Page 123</p> <p>1 Q Okay. And they both are from Veritox? 2 A Yes. 3 Q And that's Bryan Hardin and Karen 4 Heymann? 5 A That's correct. 6 Q Who put this presentation together, the 7 PowerPoint? 8 A The three of us did together. 9 Q And did you -- did this -- was this 10 PowerPoint submitted to the conference managers 11 before or after you started doing work for J&J in 12 December of 2017? 13 A So what was the question? Sorry. 14 Q When was this PowerPoint presentation 15 submitted? 16 A So the proposal for the PowerPoint was 17 submitted in the fall of 2017, which would have 18 been the abstract for the work. And then the 19 PowerPoint was finished in 2018, which would have 20 been after we started consult -- consulting, or I 21 started consulting for J&J. 22 Q And did you talk to J&J about the fact 23 that you were going to be giving this 24 presentation? 25 A So --</p>	<p style="text-align: right;">Page 125</p> <p>1 the attorneys. We copied basically both places at 2 the same time. 3 BY MR. MEADOWS: 4 Q Did anyone outside of Veritox, whether 5 it be J&J or lawyers or anybody else, have any 6 input or suggestions about the presentation? 7 A No. 8 Q All right. I want to turn to your 9 report now. 10 Okay. And so we've already marked it, I 11 believe, as Exhibit 1. So I want to go to the 12 first paragraph. The first paragraph. 13 We'll start off in the first paragraph, 14 "Summary of Primary Opinions." 15 Right up here. Are you with me? 16 A Yes. 17 Q All right. So it says: "I was asked to 18 provide an expert opinion as a toxicologist 19 regarding alleged adverse health effects from 20 exposure to Johnson's Baby Powder and Shower to 21 Shower." 22 Did I read that correctly? 23 A Yes, you read that correctly. 24 Q Are you an expert in anything other than 25 toxicology?</p>

<p style="text-align: right;">Page 126</p> <p>1 MR. ZELLERS: Objection. Form.</p> <p>2 THE WITNESS: So I'm an expert in</p> <p>3 toxicology, and the practice of toxicology</p> <p>4 actually involves multiple disciplines.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Okay. So what do you consider yourself</p> <p>7 to be an expert in?</p> <p>8 A So as a toxicologist, I have to</p> <p>9 integrate a lot of datasets from exposure science,</p> <p>10 molecular biology, cancer biology, physiology,</p> <p>11 epidemiology. So basically integrating the entire</p> <p>12 scientific dataset to understand toxicology</p> <p>13 issues.</p> <p>14 Q We know you're -- you hold yourself out</p> <p>15 as an expert in toxicology, right?</p> <p>16 A Yes.</p> <p>17 Q All right. I want you to tell me what</p> <p>18 are the areas you claim to be an expert in.</p> <p>19 MR. ZELLERS: Objection. Asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: So I think as a</p> <p>22 toxicologist, I have to practice in many areas.</p> <p>23 So you have molecular biology listed. Also I need</p> <p>24 to understand and critically review epidemiology</p> <p>25 studies. Exposure science. Chemistry and</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. LOCKE: Objection.</p> <p>2 THE WITNESS: My degree does not say</p> <p>3 epidemiology. Epidemiology is part of public</p> <p>4 health, which is where my discipline comes from.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Do you have a degree in exposure</p> <p>7 science?</p> <p>8 A Again, exposure science is part of the</p> <p>9 broader context of toxicology.</p> <p>10 Q Can anyone get a degree in exposure</p> <p>11 science?</p> <p>12 MR. ZELLERS: Objection. Form.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: So that -- that is a</p> <p>15 degree.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Okay. That you do not have, correct?</p> <p>18 A That's correct.</p> <p>19 Q All right.</p> <p>20 A But I can just also add that I am a</p> <p>21 board certified toxicologist. Part of the boards</p> <p>22 involve testing in a variety of areas. All of</p> <p>23 these areas that we've listed are on the board</p> <p>24 exams.</p> <p>25 Q Okay. I wrote it down toxicology, you</p>
<p style="text-align: right;">Page 127</p> <p>1 properties of test materials. Physiology.</p> <p>2 And I'm not going to represent that's</p> <p>3 the entire universe of -- of what I'm versed in,</p> <p>4 but those --</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q I didn't ask you what you were versed</p> <p>7 in. I asked you what you're an expert in.</p> <p>8 A Right. But as being an expert in</p> <p>9 toxicology, you need -- I -- I need to understand</p> <p>10 to critically evaluate and review data out of all</p> <p>11 those disciplines.</p> <p>12 Q Do you have a degree in molecular</p> <p>13 biology?</p> <p>14 A My degree is not in molecular biology,</p> <p>15 but as a toxicologist, I practice in molecular</p> <p>16 biology and I've taken coursework in molecular --</p> <p>17 Q Do you have a degree in molecular</p> <p>18 biology?</p> <p>19 A My degree does not say molecular</p> <p>20 biology.</p> <p>21 Q Do you have a degree in epidemiology?</p> <p>22 A Again, I practice in many different</p> <p>23 areas as a toxicologist, and epidemiology is one</p> <p>24 of them.</p> <p>25 Q Do you have a degree in epidemiology?</p>	<p style="text-align: right;">Page 129</p> <p>1 are board certified, right?</p> <p>2 A That's correct.</p> <p>3 Q You have a degree, right?</p> <p>4 A I do have a degree.</p> <p>5 Q Chemistry and properties of test</p> <p>6 materials, do you have a degree in that?</p> <p>7 A I do have a degree in chemistry.</p> <p>8 Q Okay. Is -- is that a specialized</p> <p>9 degree, chemistry and properties of test</p> <p>10 materials?</p> <p>11 A So it's characterization of test</p> <p>12 materials involving chemistry and other physical</p> <p>13 attributes.</p> <p>14 Q I know you can get a degree in</p> <p>15 chemistry. I guess my question is, can you get a</p> <p>16 degree in characterization of test materials?</p> <p>17 A So it's, again like toxicology, an</p> <p>18 applied field.</p> <p>19 Q My question is, can one get a degree in</p> <p>20 characterization of test materials?</p> <p>21 A I do not know of a degree as character</p> <p>22 -- in characterization of test materials.</p> <p>23 Q But you would say -- well, we know you</p> <p>24 have a degree in chemistry, right?</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 130</p> <p>1 Q Okay. You don't have a degree in</p> <p>2 characterization of test materials, but that may</p> <p>3 just be because they don't have a degree for that,</p> <p>4 right?</p> <p>5 A Sure.</p> <p>6 Q But you would say that you are an expert</p> <p>7 in that, nonetheless, correct?</p> <p>8 A Correct.</p> <p>9 Q Physiology. Do you have a degree in</p> <p>10 physiology?</p> <p>11 A I do not have a degree in physiology,</p> <p>12 but again toxicology covers many disciplines, and</p> <p>13 I have taken coursework and my board certification</p> <p>14 would encompass all of the fields that you've</p> <p>15 listed.</p> <p>16 Q Well, I didn't list them. You listed</p> <p>17 them.</p> <p>18 A I -- I stated them, and I'm just</p> <p>19 clarifying the list that you wrote down.</p> <p>20 Q Okay. What is physiology?</p> <p>21 A Physiology is the -- the way the body</p> <p>22 works.</p> <p>23 Q And you would agree that there are</p> <p>24 people out there who do have degrees in molecular</p> <p>25 biology, right?</p>	<p style="text-align: right;">Page 132</p> <p>1 foundation.</p> <p>2 THE WITNESS: So -- so say that again.</p> <p>3 Sorry, I was -- or I can read it.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q Does someone who has a degree in these</p> <p>6 fields have a greater degree of expertise than you</p> <p>7 do?</p> <p>8 A I think --</p> <p>9 MR. ZELLERS: Same objections.</p> <p>10 THE WITNESS: I think that depends on</p> <p>11 the subject matter that you are evaluating.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q All right. So you gave me a list of --</p> <p>14 one, two, three, four, five -- six, and we'll</p> <p>15 throw in characterization of test materials as</p> <p>16 seven areas that you claim to be an expert in,</p> <p>17 right?</p> <p>18 A Again, these are fields that I use as</p> <p>19 part of my daily practice as a toxicologist.</p> <p>20 Q Do you claim to be an expert in these</p> <p>21 fields or not?</p> <p>22 MR. ZELLERS: Objection. Asked and</p> <p>23 answered, form.</p> <p>24 THE WITNESS: So I'm an expert in</p> <p>25 toxicology, and part of that expertise involves</p>
<p style="text-align: right;">Page 131</p> <p>1 A There are degrees in molecular biology.</p> <p>2 Of course, I use molecular biology as part of my</p> <p>3 toxicology practice.</p> <p>4 Q And there are people out there who have</p> <p>5 degrees in epidemiology, right?</p> <p>6 A I -- yes, there are people out there</p> <p>7 that have degrees in epidemiology. But again, I</p> <p>8 use epidemiology as part of my toxicology practice</p> <p>9 as do all toxicologists, or most -- I'll say most</p> <p>10 of them.</p> <p>11 Q And there are people out there who have</p> <p>12 degrees in exposure science?</p> <p>13 A There are people who have degrees in</p> <p>14 exposure science. Again, I use exposure science</p> <p>15 in my toxicology practice.</p> <p>16 Q And there are people who have degrees in</p> <p>17 physiology, right?</p> <p>18 A There -- there are people who have</p> <p>19 degrees in physiology. But again, I use</p> <p>20 toxicology -- I use physiology as part of my</p> <p>21 toxicology practice.</p> <p>22 Q Do you think people who have degrees in</p> <p>23 these particular fields have a greater degree of</p> <p>24 expertise than you do?</p> <p>25 MR. ZELLERS: Objection. Form,</p>	<p style="text-align: right;">Page 133</p> <p>1 those disciplines.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q So are you telling me that you're an</p> <p>4 expert in molecular biology?</p> <p>5 MR. ZELLERS: Objection. Form.</p> <p>6 THE WITNESS: As part of my realm as a</p> <p>7 toxicologist, I critically review, evaluate</p> <p>8 epidemiology studies.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q So are you claiming to be an expert in</p> <p>11 epidemiology?</p> <p>12 MR. ZELLERS: Objection. Form.</p> <p>13 THE WITNESS: Again, part of my</p> <p>14 toxicology expertise involves using epidemiology</p> <p>15 to assess adverse health effects on humans.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Are there any other areas of science or</p> <p>18 any other topics that you touch on in your report</p> <p>19 that you claim to be an expert in?</p> <p>20 A So --</p> <p>21 Q I need to know this now before we get</p> <p>22 into all this other stuff. I need to know what --</p> <p>23 a list of every area that you claim to be an</p> <p>24 expert in.</p> <p>25 A So -- so toxicology encompasses many</p>

<p style="text-align: right;">Page 134</p> <p>1 disciplines, and it depends where you draw the 2 line when you enter into subdivisions of the areas 3 we use in our practice. 4 Q I'm a lawyer. I know a little bit about 5 wills and a little bit about criminal law, but I 6 would never claim to be an expert on it. I know 7 that wills and the criminal law can have an impact 8 on what I do as a lawyer, like the type of 9 practice that I'm doing right now, but I would 10 never claim to be an expert on it. Because there 11 are lawyers out there who are experts on it. 12 I understand that you need a basis, a 13 basic little understanding of different areas of 14 science. But my question is, has to do with 15 whether you claim to be an expert in -- in 16 specific fields. 17 I'm going to ask you one more time. Are 18 you an expert in epidemiology? 19 MR. ZELLERS: Objection. Asked and 20 answered, form. 21 THE WITNESS: So again, epidemiology is 22 part of the practice of toxicology. 23 BY MR. MEADOWS: 24 Q Let's try it this way. Dr. Moore is an 25 expert in epidemiology. True or false?</p>	<p style="text-align: right;">Page 136</p> <p>1 a true or false answer, correct? 2 A That's not what -- 3 MR. LOCKE: Objection. 4 MR. ZELLERS: Objection to form. 5 THE WITNESS: That's not what I said. 6 BY MR. MEADOWS: 7 Q So you cannot answer that one true or 8 false? 9 MR. ZELLERS: Objection. Asked and 10 answered. 11 THE WITNESS: I -- I answered that, that 12 epidemiology is part of toxicology. 13 BY MR. MEADOWS: 14 Q True or -- or false. I'm going to 15 circle "or." I didn't hear a true or false on 16 that one. Dr. Moore is -- 17 MR. ZELLERS: Okay. Just misstates the 18 evidence. But go ahead, Counsel. 19 BY MR. MEADOWS: 20 Q -- an expert in molecular biology. True 21 or false, which one should I mark? 22 A Again, molecular biology is one of the 23 fundamental tools that we use as a toxicologist. 24 So -- so that's what my answer is. 25 Q This is another one that you can't</p>
<p style="text-align: right;">Page 135</p> <p>1 MR. ZELLERS: Objection. Form, asked 2 and answered. 3 THE WITNESS: So again, this -- 4 epidemiology is part of a larger subset of the 5 practice that I use every day as part of tox- -- 6 as part of being a toxicologist. 7 BY MR. MEADOWS: 8 Q Did you take true or false tests when 9 you were in school? 10 MR. LOCKE: Objection. 11 THE WITNESS: Of course I did. 12 BY MR. MEADOWS: 13 Q When your teacher gave you the option of 14 true or false, did you give her something other 15 than true or false as an answer? 16 MR. LOCKE: Objection. 17 MR. ZELLERS: Objection. Form. 18 Argumentative. 19 THE WITNESS: So questions that are 20 entered in grade school have true or false 21 answers. Is Wednesday a day of the week? Yes, 22 true, or false, no. That is a question that's 23 appropriate for a true or false question. 24 BY MR. MEADOWS: 25 Q So this question is not appropriate for</p>	<p style="text-align: right;">Page 137</p> <p>1 answer true or false to? 2 MR. ZELLERS: Objection. Argumentative. 3 Misstates the evidence. 4 THE WITNESS: Again, I said molecular 5 biology is part of the practice of toxicology. 6 BY MR. MEADOWS: 7 Q And I will mark that one as an "or" 8 also. 9 MR. ZELLERS: And objection, misstates 10 the evidence. 11 BY MR. MEADOWS: 12 Q All right. Dr. Moore is an expert in 13 exposure science. True or false? 14 Can we answer that one? 15 MR. ZELLERS: Objection. Form. 16 THE WITNESS: Again, exposure science 17 is -- is part of the larger discipline of 18 toxicology. We use that as a tool all the time. 19 These are subjects that were on my board exams. 20 BY MR. MEADOWS: 21 Q That's another one of those you can't 22 answer true or false, right? 23 MR. ZELLERS: Objection. Form. 24 THE WITNESS: Again, expose -- 25 MR. ZELLERS: Misstates evidence.</p>

<p style="text-align: right;">Page 138</p> <p>1 THE WITNESS: Sorry.</p> <p>2 MR. ZELLERS: Go ahead.</p> <p>3 THE WITNESS: Exposure science is part</p> <p>4 of toxicology.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q All right. We'll mark that one with an</p> <p>7 "or" also.</p> <p>8 MR. ZELLERS: Same objection.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Let's see here. Dr. Moore is an expert</p> <p>11 in physiology. True or false?</p> <p>12 MR. ZELLERS: Objection to form.</p> <p>13 THE WITNESS: Okay. Again, physiology</p> <p>14 is one of the tools that we use as a tox- -- in</p> <p>15 toxicology.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q It's another one of those that you can't</p> <p>18 answer, true?</p> <p>19 A As a toxicologist, I -- I employ</p> <p>20 physiology all the time.</p> <p>21 Q I still haven't heard the word "true or</p> <p>22 false." And is that -- still can't give me an</p> <p>23 answer on that one?</p> <p>24 A Physio- --</p> <p>25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 140</p> <p>1 A T-O-X-I.</p> <p>2 Q She's also much more versed in how to</p> <p>3 spell "toxicology" than I am.</p> <p>4 A That discipline I've -- I've seen and,</p> <p>5 yes, I'm an expert in toxicology.</p> <p>6 Q So you would say "true" on that one. I</p> <p>7 can mark "T" on that one?</p> <p>8 MR. ZELLERS: Objection. Form.</p> <p>9 THE WITNESS: True, I'm an expert --</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q True. There we go. All right.</p> <p>12 A -- in toxicology, which -- which also</p> <p>13 encompasses epidemiology, molecular biology,</p> <p>14 exposure science, physiology, as well as chemistry</p> <p>15 and characterization of test materials.</p> <p>16 Q Okay. All right. So any other areas</p> <p>17 you're claiming expertise in? I just want to make</p> <p>18 sure before we keep moving.</p> <p>19 A Again, toxicology encompasses many</p> <p>20 different exposures -- sorry, toxicology</p> <p>21 encompasses many different sciences, and there may</p> <p>22 be something I haven't said up there. But right</p> <p>23 now, that's all I can think of.</p> <p>24 Q There may be other areas you're expert</p> <p>25 in that you just can't think of right now?</p>
<p style="text-align: right;">Page 139</p> <p>1 Go ahead.</p> <p>2 THE WITNESS: Physiology is part of the</p> <p>3 larger practice of toxicology.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q All right. Sounds like another "or."</p> <p>6 MR. ZELLERS: Objection.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q Any -- any other --</p> <p>9 MR. ZELLERS: Mr. Meadows, just a</p> <p>10 second. Objection. Misstates the evidence.</p> <p>11 Go ahead.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Any other areas that you claim to be an</p> <p>14 expert in?</p> <p>15 A So I'm an expert in toxicology and all</p> <p>16 the disciplines that we use as tools underneath</p> <p>17 it.</p> <p>18 Q Good point. Let's do that. Dr. Moore</p> <p>19 is an expert in toxicology. True or false?</p> <p>20 Which one is it?</p> <p>21 MR. ZELLERS: Objection to form.</p> <p>22 THE WITNESS: Toxicology.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q Is it true or false that you're an</p> <p>25 expert in toxicology?</p>	<p style="text-align: right;">Page 141</p> <p>1 A That's not what I said.</p> <p>2 Q Okay. Well, if there are --</p> <p>3 A So you're --</p> <p>4 Q -- other areas that you're an expert in,</p> <p>5 I need to know them now so that I know how to talk</p> <p>6 to you about all this.</p> <p>7 A So toxicology.</p> <p>8 Q Toxicology, you're an expert in that.</p> <p>9 Okay. All right.</p> <p>10 A I guess we didn't mention expert in</p> <p>11 chemistry. You left that off the list.</p> <p>12 Q Oh, okay. Yeah, perfect.</p> <p>13 Dr. Moore is an expert in chemistry.</p> <p>14 A And again, that is just -- chemistry is</p> <p>15 one of the tools that we use in toxicology as part</p> <p>16 of our daily practice.</p> <p>17 Q But you have a degree in that, right?</p> <p>18 A That is correct, but just another of</p> <p>19 those tools that we use.</p> <p>20 Q Yeah. So I can mark that one true?</p> <p>21 A Well, I would mark that the same way</p> <p>22 you've done all the others. It's just another</p> <p>23 tool in toxicology.</p> <p>24 Q Okay. Well, it's up to you.</p> <p>25 MR. ZELLERS: Mr. Meadows, when it's</p>

<p style="text-align: right;">Page 142</p> <p>1 convenient, I'd like to take a break.</p> <p>2 MR. MEADOWS: Okay. Now is fine with</p> <p>3 me.</p> <p>4 MR. ZELLERS: Is this okay?</p> <p>5 MR. MEADOWS: Yeah.</p> <p>6 THE VIDEOGRAPHER: Okay. The time is</p> <p>7 12:06 p.m., and we're going off the record.</p> <p>8 (Recess.)</p> <p>9 THE VIDEOGRAPHER: The time is 12:19</p> <p>10 p.m., and we're back on the record.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q Okay. So let's go back to your report,</p> <p>13 Dr. Moore.</p> <p>14 A Okay.</p> <p>15 Q And I highlighted the first sentence:</p> <p>16 "I was asked to provide an expert opinion as a</p> <p>17 toxicologist regarding alleged adverse health</p> <p>18 effects from exposure to Johnson's Baby Powder and</p> <p>19 Shower to Shower."</p> <p>20 And then it goes on to say: "I have</p> <p>21 also been asked to respond to plaintiffs' expert</p> <p>22 reports, focusing on those submitted by</p> <p>23 Drs. Carson, Crowley, Longo, Plunkett and</p> <p>24 Zelikoff, because they all touch on my field of</p> <p>25 toxicology."</p>	<p style="text-align: right;">Page 144</p> <p>1 selected.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q So, what I hear you saying now is</p> <p>4 that -- are you saying that the lawyers asked you</p> <p>5 to assess the methodology used by these particular</p> <p>6 experts? Is that what you're saying?</p> <p>7 A So I was asked to -- to respond to the</p> <p>8 methodology that was used by these -- by the</p> <p>9 experts, to read their reports and respond to --</p> <p>10 to the methodology that they used in rendering</p> <p>11 their opinions.</p> <p>12 Q Okay. And so I'm curious, what type --</p> <p>13 I mean, I understand you're an expert in</p> <p>14 toxicology and you can opine on issues pertaining</p> <p>15 to toxicology, right?</p> <p>16 A I'm an expert in toxicology.</p> <p>17 Q And are you claiming to also be an</p> <p>18 expert in assessing the methodologies used by</p> <p>19 other experts with varying degrees of -- of</p> <p>20 expertise?</p> <p>21 A So not all the methodologies that they</p> <p>22 used, but as they pertain to toxicology.</p> <p>23 Q But not all of these experts are</p> <p>24 toxicologists, are they?</p> <p>25 A So I'd have to look at each one. Some</p>
<p style="text-align: right;">Page 143</p> <p>1 Right?</p> <p>2 A That's what it says, yes.</p> <p>3 Q Okay. Now, this first sentence, "I have</p> <p>4 also been asked to respond to plaintiffs' expert</p> <p>5 reports," what did you -- what did you mean by</p> <p>6 that?</p> <p>7 A So I was asked to look at the</p> <p>8 methodology that they used in reaching their</p> <p>9 opinions.</p> <p>10 Q Okay. Why didn't you say, I've been</p> <p>11 asked to look at the methodology that these</p> <p>12 experts used?</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Why did you say -- why did you say, I</p> <p>16 was asked to respond?</p> <p>17 MR. ZELLERS: Objection. Form.</p> <p>18 THE WITNESS: Those are the words that I</p> <p>19 selected.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Are those the words you selected or are</p> <p>22 those the words the lawyers used when they asked</p> <p>23 you to -- to render opinions in this case?</p> <p>24 MR. ZELLERS: Objection. Form.</p> <p>25 THE WITNESS: Those are the words that I</p>	<p style="text-align: right;">Page 145</p> <p>1 of them are.</p> <p>2 Q As you sit here today, do you know which</p> <p>3 ones are toxicologists and which ones are not?</p> <p>4 MR. ZELLERS: Objection. Form.</p> <p>5 THE WITNESS: So I know which ones are</p> <p>6 toxicologists, but I'm not sure on -- on others.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q So is there --</p> <p>9 A I would have to refresh myself.</p> <p>10 Q Is there something in your training as a</p> <p>11 toxicologist that provides you with the expertise</p> <p>12 to assess some other scientists' methodology?</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 THE WITNESS: So the methodology that I</p> <p>15 assessed was as it related to toxicology.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q So to the extent that these experts gave</p> <p>18 opinions that are not toxicology opinions, you're</p> <p>19 not -- you're not criticizing them. Is that what</p> <p>20 you're saying?</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 THE WITNESS: So I think my criticisms</p> <p>23 are called out in my report, and we can go through</p> <p>24 them in detail if you'd like.</p> <p>25 BY MR. MEADOWS:</p>

<p style="text-align: right;">Page 146</p> <p>1 Q Oh, we're going to go through some of</p> <p>2 them, that's for sure. But I -- I'm just -- I'm</p> <p>3 trying to make sure I understand what makes you</p> <p>4 think that you are qualified to question the</p> <p>5 methodology of an expert that's not a</p> <p>6 toxicologist.</p> <p>7 MR. ZELLERS: Objection. Form.</p> <p>8 THE WITNESS: So again, I'm -- I've</p> <p>9 evaluated the methods as they related to</p> <p>10 toxicology, and as toxicology, we went through I</p> <p>11 think extensively through the break, encompasses a</p> <p>12 lot of other disciplines. If we want to go</p> <p>13 through the individual critiques that I had</p> <p>14 regarding their -- their methodology, we can.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Have you ever been trained in how to go</p> <p>17 about critiquing the methodologies of other</p> <p>18 scientists?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: So as part of my training</p> <p>21 as a toxicologist, one of the emphasis points was</p> <p>22 critical review of scientific data and articles,</p> <p>23 and methodology specifically.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q So, what is your methodology that you</p>	<p style="text-align: right;">Page 148</p> <p>1 understanding methods and critically reviewing</p> <p>2 articles is just something that every graduate</p> <p>3 student is taught how to do.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q So you're saying any graduate student</p> <p>6 can critique any expert and use any methodology</p> <p>7 that they come up with, and that's acceptable.</p> <p>8 MR. ZELLERS: Objection. Form.</p> <p>9 THE WITNESS: That's not what I said at</p> <p>10 all.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q Is there a textbook or is there a body</p> <p>13 of literature that informs you on how to go about</p> <p>14 critiquing another expert's work?</p> <p>15 MR. ZELLERS: Objection. Form.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Did you cite to that in your report?</p> <p>18 A Okay.</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 Go ahead.</p> <p>21 THE WITNESS: Okay. So methods are</p> <p>22 defined on a method-by-method basis, so you need</p> <p>23 to understand what the method is in order to</p> <p>24 understand how to evaluate it.</p> <p>25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 147</p> <p>1 used to go about critiquing other experts?</p> <p>2 A So I think we'd have to look into each</p> <p>3 expert and each critique individually.</p> <p>4 Q So you tailor your methodology to</p> <p>5 whichever expert it is that you're critiquing?</p> <p>6 A So I think you have to evaluate the</p> <p>7 method as an independent question.</p> <p>8 Q What textbooks or articles or literature</p> <p>9 inform you on how to go about critiquing another</p> <p>10 expert's methodology?</p> <p>11 A So I don't know that there's one</p> <p>12 specific textbook. It's a -- it's a training that</p> <p>13 you go through as a graduate student on how to</p> <p>14 critique work and how to do methods correctly.</p> <p>15 Generally accepted methodology that we all learn.</p> <p>16 Q Is there a section in your report that</p> <p>17 describes the methodology that you've used to go</p> <p>18 about critiquing these other experts' methodology?</p> <p>19 Is there a section in this report that cites to</p> <p>20 articles and textbooks that tell us how to go</p> <p>21 about properly critiquing another expert's</p> <p>22 methodology?</p> <p>23 MR. ZELLERS: Objection. Form.</p> <p>24 THE WITNESS: So again, I don't -- I</p> <p>25 guess I don't understand that question. I mean,</p>	<p style="text-align: right;">Page 149</p> <p>1 Q Is there any section in your report or</p> <p>2 in your reference materials that cites to</p> <p>3 literature, articles, textbooks, that informs you</p> <p>4 how to critique another expert's work?</p> <p>5 MR. ZELLERS: Objection. Form. Asked</p> <p>6 and answered.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q It's a simple question. It's a "yes" or</p> <p>9 a "no." And listen, I know you've been taught to</p> <p>10 not say "yes" or "no," but that's going to make</p> <p>11 this thing go on forever and forever, and I don't</p> <p>12 give up. So I'm going to keep asking the</p> <p>13 questions until I get an answer. Okay?</p> <p>14 So here's the question -- here's the</p> <p>15 question.</p> <p>16 MR. ZELLERS: All right. Move to strike</p> <p>17 the comment of counsel.</p> <p>18 MR. LOCKE: Objection.</p> <p>19 MR. ZELLERS: Ask your question if you</p> <p>20 have a question.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q Here's the question. Is there any part</p> <p>23 of your report or your reference materials where</p> <p>24 we can find a textbook or an article that you --</p> <p>25 that is -- that informs you on how to go about</p>

<p style="text-align: right;">Page 150</p> <p>1 critiquing another expert's methodologies?</p> <p>2 MR. ZELLERS: Objection. Form. Asked</p> <p>3 and answered.</p> <p>4 THE WITNESS: So I think there's</p> <p>5 references in here -- actually, I know there's</p> <p>6 references in here regarding correct</p> <p>7 methodologies.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q That's not what I'm asking you. I'm</p> <p>10 asking you if there are any textbooks or articles</p> <p>11 that talk about how you or any other scientist</p> <p>12 can -- can perform a proper methodology in</p> <p>13 critiquing another expert's methodology?</p> <p>14 MR. ZELLERS: Objection. Form.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Is there -- is there any body of</p> <p>17 literature in that regard, period?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 THE WITNESS: Well, so that's just part</p> <p>20 of a practice of toxicology and any -- any</p> <p>21 scientific field.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q Okay. My question was, is there any</p> <p>24 textbook or literature that you can tell -- is</p> <p>25 there one textbook you can name for me right now</p>	<p style="text-align: right;">Page 152</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q It's a simple one. It's a "yes" or a</p> <p>3 "no."</p> <p>4 MR. ZELLERS: Objection. Form. Asked</p> <p>5 and answered.</p> <p>6 THE WITNESS: Okay. So there was a lot</p> <p>7 in that last statement/question, so can you break</p> <p>8 it down one more time?</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Yeah.</p> <p>11 All right. I wrote a statement here.</p> <p>12 There is no textbook that tells you, Dr. Moore,</p> <p>13 how to critique another expert's methodology. Is</p> <p>14 that true or false?</p> <p>15 MR. LOCKE: Objection.</p> <p>16 MR. ZELLERS: Objection. Form, asked</p> <p>17 and answered.</p> <p>18 THE WITNESS: Okay. So each method</p> <p>19 is -- is a standalone --</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Yeah, but see, this is a true or false</p> <p>22 question.</p> <p>23 MR. ZELLERS: Okay. Let her answer the</p> <p>24 question, please.</p> <p>25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 151</p> <p>1 that tells you how to go about critiquing another</p> <p>2 expert's methodology?</p> <p>3 MR. ZELLERS: Objection. Form.</p> <p>4 THE WITNESS: So I can tell you that</p> <p>5 there's coursework that you attend every -- that</p> <p>6 you learn how to do this. This is not something</p> <p>7 that is kind of black or white or can be defined,</p> <p>8 because it changes for every method that you</p> <p>9 evaluate.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Dr. Moore, your expert report is over a</p> <p>12 hundred pages long. The vast majority of it is</p> <p>13 a -- is a criticism of Drs. Carson, Crowley, Longo</p> <p>14 Plunkett and Zelikoff.</p> <p>15 Are you telling me that there's no place</p> <p>16 in this report or in that reference list that I</p> <p>17 can find one textbook or one article that</p> <p>18 explains, Dr. Moore, or anybody else, this is how</p> <p>19 you go about critiquing another expert's work?</p> <p>20 MR. ZELLERS: Objection. Form.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q Is there any textbook -- number one, any</p> <p>23 textbook that gives you -- that informs you in</p> <p>24 that regard?</p> <p>25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 153</p> <p>1 Q But my question is a true or false one.</p> <p>2 So is it a true, a false or an "or"?</p> <p>3 A So --</p> <p>4 MR. ZELLERS: Same objections.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: All right. So each method</p> <p>7 has to be evaluated independently.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Okay. I didn't hear the words "true" or</p> <p>10 "false" there, so I'm going to circle "or."</p> <p>11 MR. ZELLERS: Objection. Misstates the</p> <p>12 evidence.</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q How do we know whether your methodology</p> <p>15 in critiquing is proper? I mean, if there's no</p> <p>16 textbook that you can cite me to, there's no</p> <p>17 article that you can cite me to, then how do we</p> <p>18 know that your methodology in critiquing somebody</p> <p>19 else's methodology is proper?</p> <p>20 MR. ZELLERS: Objection. Form.</p> <p>21 THE WITNESS: So the methodology itself</p> <p>22 is defined and -- and referenced.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q All right. It sounds like "or" again.</p> <p>25 MR. ZELLERS: Objection.</p>

<p style="text-align: right;">Page 154</p> <p>1 MR. LOCKE: Objection.</p> <p>2 MR. ZELLERS: Form. Argumentative.</p> <p>3 Misstates the evidence.</p> <p>4 (Mr. Meadows and Ms. Tucker conferring.)</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q All right. While she's gathering that,</p> <p>7 I want to go back to something I asked you.</p> <p>8 Well, let me ask you this: Can your</p> <p>9 methodology in critiquing experts and their</p> <p>10 methodology be replicated in some way?</p> <p>11 A So -- say that one more time. I don't</p> <p>12 understand the question.</p> <p>13 Q Yeah, can your methodology be</p> <p>14 replicated?</p> <p>15 A Well, if someone were to evaluate the</p> <p>16 same issue, they'd probably come to the -- any</p> <p>17 reasonable scientist would come to the same</p> <p>18 conclusion.</p> <p>19 Q Any reasonable scientist would come to</p> <p>20 the same conclusions that you've reached in your</p> <p>21 report?</p> <p>22 A So if you eval- -- if you evaluate the</p> <p>23 same dataset, they would come to the -- using the</p> <p>24 established methodologies, they would come to the</p> <p>25 same conclusions because that's what the</p>	<p style="text-align: right;">Page 156</p> <p>1 MR. ZELLERS: Objection. Form.</p> <p>2 Misstates the evidence.</p> <p>3 THE WITNESS: So this expert report was</p> <p>4 the first time I consolidated or wrote an opinion</p> <p>5 regarding talc and ovarian cancer.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q So the answer is "yes"?</p> <p>8 A In a report.</p> <p>9 Q So the answer is "yes"?</p> <p>10 A Well, I did the slide decks before.</p> <p>11 Q Okay. You're talking about the slides</p> <p>12 you did for the -- for the conferences?</p> <p>13 A Correct.</p> <p>14 Q As far as a writing goes, as far as a --</p> <p>15 something other than a PowerPoint presentation,</p> <p>16 the only time you've ever written on the topic of</p> <p>17 talc and ovarian cancer is what you provided in</p> <p>18 this case.</p> <p>19 A Correct.</p> <p>20 Q I'm going to show you --</p> <p>21 MR. MEADOWS: I want to mark these.</p> <p>22 (Moore Exhibit No. 5 was marked</p> <p>23 for identification.)</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q I show you what I marked as -- here,</p>
<p style="text-align: right;">Page 155</p> <p>1 scientific data support.</p> <p>2 Q And where would they go to look and find</p> <p>3 out what that methodology is, that methodology</p> <p>4 that you're using?</p> <p>5 A So the methodology -- so now I'm</p> <p>6 confused. What methodology are we talking about?</p> <p>7 Q Well, the methodology you used to</p> <p>8 critique everybody else.</p> <p>9 A The methodology is -- is simply to look</p> <p>10 at the method and see how it's generally accepted</p> <p>11 in science today.</p> <p>12 Q What -- let me ask you this: What --</p> <p>13 have you ever published on the issues of talc and</p> <p>14 ovarian cancer?</p> <p>15 A I have not published in peer-reviewed</p> <p>16 literature, no.</p> <p>17 Q Have you ever published on anything</p> <p>18 pertaining to talc?</p> <p>19 A No, I have not.</p> <p>20 Q Have you ever published on anything</p> <p>21 pertaining to ovarian cancer?</p> <p>22 A No, I have not.</p> <p>23 Q So the first time you ever wrote</p> <p>24 anything that pertains to talc and ovarian cancer</p> <p>25 was when you wrote this expert report, right?</p>	<p style="text-align: right;">Page 157</p> <p>1 let's give you this one -- Exhibit 5.</p> <p>2 Dr. Longo, you criticize him, right?</p> <p>3 A I discuss --</p> <p>4 MR. ZELLERS: Objection. Form.</p> <p>5 Go ahead.</p> <p>6 THE WITNESS: I discuss his analyses.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q Well, it's more than a discussion.</p> <p>9 You -- you criticize his methodology, right? You</p> <p>10 say he's -- his methodology is all wrong, right?</p> <p>11 MR. ZELLERS: Objection. Form.</p> <p>12 THE WITNESS: Well, if you want to</p> <p>13 discuss it, we can look in --</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q We will. My -- my question right now</p> <p>16 is, you -- you will agree with me that you have</p> <p>17 been critical of Dr. Longo's methodology, right?</p> <p>18 A So Dr. Longo's --</p> <p>19 Q You can't answer that one yes or no?</p> <p>20 A Well, I'd have to look. I know we used</p> <p>21 his data as a worst case assumption.</p> <p>22 Q Well, let's take a look at what his</p> <p>23 qualifications are. You understand he's a</p> <p>24 materials scientist, right?</p> <p>25 MR. LOCKE: Objection.</p>

<p style="text-align: right;">Page 158</p> <p>1 THE WITNESS: I'd have to see his CV.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q You don't know this? You don't know</p> <p>4 what his qualifications are?</p> <p>5 A I -- I do not know what his degree is</p> <p>6 in.</p> <p>7 Q You don't know what degree Dr. Longo's</p> <p>8 is, and you spend pages upon pages criticizing his</p> <p>9 work. You don't even know what he's -- what his</p> <p>10 degree is in?</p> <p>11 MR. ZELLERS: Objection. Form.</p> <p>12 THE WITNESS: So again, I don't know</p> <p>13 that I go pages on pages criticizing his work.</p> <p>14 We'd have to go through that to demonstrate that,</p> <p>15 and I'd have to see his CV to -- to see what his</p> <p>16 actual degree is in. I understand what he did in</p> <p>17 this matter.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Are you -- are you or are you not</p> <p>20 critical of Dr. Longo's work?</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 THE WITNESS: So my analysis takes his</p> <p>23 analysis as a worst case scenario.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q What does that mean?</p>	<p style="text-align: right;">Page 160</p> <p>1 Dr. Moore, you can answer the</p> <p>2 question --</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q We'll move on to the next question. The</p> <p>5 report says what it says. We'll go with that.</p> <p>6 A Right. But you know --</p> <p>7 Q So you understand -- well, no, you</p> <p>8 don't, because you don't know what his degree is</p> <p>9 in. So let's move on to the next one.</p> <p>10 (Moore Exhibit No. 6 was marked</p> <p>11 for identification.)</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q I show you what I marked as Exhibit 6.</p> <p>14 Dr. Saed, now, you -- you're critical of</p> <p>15 his work too, right?</p> <p>16 MR. ZELLERS: Objection. Form.</p> <p>17 THE WITNESS: So --</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Are you critical of Dr. Saed's work?</p> <p>20 A I was trying to -- I was trying to</p> <p>21 respond.</p> <p>22 Q Yeah, well, that "so" is --</p> <p>23 MR. ZELLERS: Well, hold on now. Let's</p> <p>24 not argue with her. Let her respond.</p> <p>25 MR. MEADOWS: No, I -- "so" does not</p>
<p style="text-align: right;">Page 159</p> <p>1 A Well, I don't -- so let's -- let's look</p> <p>2 at my report what I did.</p> <p>3 Q No, I don't --</p> <p>4 A No.</p> <p>5 Q I'm not asking you to look at your</p> <p>6 report. I'm asking you about your criticism of</p> <p>7 Dr. Longo. Are you -- are you critical of his</p> <p>8 work or not?</p> <p>9 MR. ZELLERS: Okay. Objection. She's</p> <p>10 entitled to answer your question and use what she</p> <p>11 needs to answer it.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q My question is, are you critical of</p> <p>14 Dr. Longo's work or not?</p> <p>15 Dr. Moore, I asked you a question. Are</p> <p>16 you critical --</p> <p>17 A I understand.</p> <p>18 Q -- of Dr. Longo's work or not?</p> <p>19 A (Peruses document.) I just want to</p> <p>20 accurately reflect what I have in my report.</p> <p>21 Q You can't answer that question yes or</p> <p>22 no?</p> <p>23 MR. ZELLERS: Objection.</p> <p>24 MR. LOCKE: Objection.</p> <p>25 MR. ZELLERS: Form.</p>	<p style="text-align: right;">Page 161</p> <p>1 lead in -- is not an answer.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q It's real simple. Are you critical of</p> <p>4 Dr. Saed's work in this case or not?</p> <p>5 MR. LOCKE: Objection.</p> <p>6 MR. ZELLERS: Objection. Form.</p> <p>7 You may answer the question.</p> <p>8 THE WITNESS: For Dr. Saed, I was</p> <p>9 critical of the methodology that he used.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q That's a "yes" but without saying "yes,"</p> <p>12 right?</p> <p>13 MR. LOCKE: Objection.</p> <p>14 MR. ZELLERS: Objection. Argumentative.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Okay. So critical of Dr. Saed's work.</p> <p>17 Now --</p> <p>18 A Which I think I was critical of the</p> <p>19 methods that Dr. Saed used.</p> <p>20 Q Now, unlike Dr. Longo, are you familiar</p> <p>21 with Dr. Saed's qualifications?</p> <p>22 A Again, I have not memorized these</p> <p>23 people's qualifications, so I'd have to see his CV</p> <p>24 on his report.</p> <p>25 Q Well, generally, do you know what kind</p>

<p style="text-align: right;">Page 162</p> <p>1 of expert he is?</p> <p>2 A Generally, yes, I do.</p> <p>3 Q What is he?</p> <p>4 A He studies ovarian cancer.</p> <p>5 Q Okay. So he -- he's an expert on</p> <p>6 ovarian cancer, right?</p> <p>7 MR. LOCKE: Objection.</p> <p>8 MR. ZELLERS: Objection. Form,</p> <p>9 foundation.</p> <p>10 THE WITNESS: Well, again, I don't know</p> <p>11 what he's -- he presents himself as an expert,</p> <p>12 yes, but -- but I don't know if this is accurate</p> <p>13 or not. I would have to see his CV. I don't know</p> <p>14 where this came from.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q So you don't know how long he's been --</p> <p>17 had experience in -- with an emphasis on ovarian</p> <p>18 cancer?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: I reviewed the methods</p> <p>21 that he used. Not his experience.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q So it wasn't important to you as part of</p> <p>24 your methodology in critiquing these experts'</p> <p>25 methodology to figure out the extent of their</p>	<p style="text-align: right;">Page 164</p> <p>1 reviewed their work as a scientist. So I looked</p> <p>2 at the methods that they used, the results they</p> <p>3 obtained, as I would any scientific review.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q It makes no difference to you that</p> <p>6 Dr. Saed has 30-plus years of experience with an</p> <p>7 emphasis on ovarian cancer?</p> <p>8 MR. LOCKE: Objection.</p> <p>9 MR. ZELLERS: Objection. Form.</p> <p>10 Foundation.</p> <p>11 THE WITNESS: I think I've answered</p> <p>12 that. But again, I evaluated the methods that</p> <p>13 they used.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Does it make any difference to you in</p> <p>16 your methodology that Dr. Saed has 30-plus years</p> <p>17 of experience with an emphasis on ovarian cancer?</p> <p>18 MR. ZELLERS: Objection. Form,</p> <p>19 argumentative, asked and answered.</p> <p>20 THE WITNESS: My analysis -- sorry.</p> <p>21 MR. ZELLERS: Go ahead.</p> <p>22 THE WITNESS: My analysis was on the</p> <p>23 methods that were used to -- to derive the</p> <p>24 opinions in this case.</p> <p>25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 163</p> <p>1 expertise.</p> <p>2 MR. ZELLERS: Objection. Form.</p> <p>3 THE WITNESS: So, again, I -- I</p> <p>4 evaluated the methodology that was used.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Okay. Well, this gets back to your</p> <p>7 methodology of critiquing experts. I take it that</p> <p>8 a part of your methodology in critiquing experts</p> <p>9 does not include assessing their degree of</p> <p>10 expertise. Is that fair to say?</p> <p>11 MR. ZELLERS: Move to strike the</p> <p>12 statement of counsel. Objection. Form.</p> <p>13 THE WITNESS: Can you repeat your</p> <p>14 question? Sorry.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Well, I -- I still don't know what your</p> <p>17 methodology is, but I would assume from what</p> <p>18 you're saying that your methodology of going about</p> <p>19 critiquing experts does not include determining</p> <p>20 the degree of expertise a particular expert has</p> <p>21 before you assess and critique his or her work.</p> <p>22 Is that fair to say?</p> <p>23 MR. ZELLERS: Objection. Misstates the</p> <p>24 evidence.</p> <p>25 THE WITNESS: So I'm a scientist and I</p>	<p style="text-align: right;">Page 165</p> <p>1 Q So it makes no difference to you that</p> <p>2 Dr. Saed has 30-plus years of experience with an</p> <p>3 emphasis on ovarian cancer?</p> <p>4 MR. ZELLERS: Same objections.</p> <p>5 THE WITNESS: Again, my methods were</p> <p>6 based -- or on evaluating the scientific methods</p> <p>7 that he -- that the experts used when they derived</p> <p>8 their opinions in this case.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q How many years of experience do you have</p> <p>11 with an emphasis on ovarian cancer?</p> <p>12 MR. ZELLERS: Objection. Form. Asked</p> <p>13 and answered.</p> <p>14 THE WITNESS: So since I've been reading</p> <p>15 this literature or in general?</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Well, before you started working on</p> <p>18 litigation, how many years of experience do you</p> <p>19 have with an emphasis on ovarian cancer?</p> <p>20 A So, what would you -- so I would say I</p> <p>21 was evaluating the association with ovarian cancer</p> <p>22 for probably a year-ish before I was involved in</p> <p>23 the litigation.</p> <p>24 Q Okay. Nowhere near 30 years, right?</p> <p>25 MR. ZELLERS: Objection. Form.</p>

<p style="text-align: right;">Page 166</p> <p>1 THE WITNESS: So one is not near 30, I 2 would agree. 3 BY MR. MEADOWS: 4 Q Okay. Well, we found something we could 5 agree on, huh? 6 MR. ZELLERS: Okay. That's a statement, 7 not a question. 8 (Counsel conferring.) 9 BY MR. MEADOWS: 10 Q All right. So the next thing I want to 11 do is go on down: "My primary opinions regarding 12 potential adverse health effects from exposure to 13 Johnson's Baby Powder and Shower to Shower talcum 14 powder products are as follows," the first one, 15 number 1: "Cosmetic talc. The scientific 16 literature does not support a causal relationship 17 between perineal talc use and ovarian cancer." 18 Did I read that right? 19 A You did read that correctly. 20 Q All right. So, now, we know that when 21 you wrote this, you didn't consider the Health 22 Canada publication, did you? 23 MR. MORIARTY: I'm sorry. Could you 24 repeat that, please? 25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 168</p> <p>1 want her to answer? I'm sorry. 2 BY MR. MEADOWS: 3 Q Is Health Canada referenced in your 4 report? 5 A The Health Canada draft screening 6 assessment was not referenced in my report. 7 Q But you are now -- you have now made 8 reference to it in the list that was provided to 9 me by your lawyers last night. Is that what 10 you're telling me? 11 A So the list that I created of all the 12 materials that I reviewed, that was provided to 13 you last night, doesn't include Health Canada. 14 Q So let's look at Health Canada -- 15 (Moore Exhibit No. 7 was marked 16 for identification.) 17 BY MR. MEADOWS: 18 Q -- marked as Exhibit 7. 19 All right. You got it, Exhibit 7 there? 20 A I do. 21 Q Are you familiar with this? 22 A I have seen this. 23 Q You have seen this. Okay. 24 When did you first see this? 25 A Probably December or January in this</p>
<p style="text-align: right;">Page 167</p> <p>1 Q I said we know that when you wrote this 2 report that you didn't consider the Health Canada 3 publication, did you? 4 A Well, I read the Health Canada 5 publication but did not include that in my report. 6 Q Okay. Is that referenced in the 7 materials you provided? 8 A Yes. I believe so, yes. 9 Q So somewhere in your expert report it 10 said -- it references Health Canada? 11 A So that's in the complete list of 12 materials. 13 Q The complete list. 14 A The complete list that we talked about 15 earlier today. 16 Q Oh, the one that I got last night. 17 A That I -- that's what you said when you 18 got it, yeah. 19 Q Yeah. So that was not in the materials 20 that you apparently -- well, that you provided 21 with your report. I didn't see where you cited to 22 Health Canada in your report anywhere. Am I wrong 23 about that? 24 MR. ZELLERS: Okay. That's -- that's a 25 lot of questions. Could you just ask the one you</p>	<p style="text-align: right;">Page 169</p> <p>1 last -- December 2018, January 2019. 2 Q Okay. So you saw it before you wrote 3 and signed your report, right? 4 A Correct. January was before February, 5 when I signed my report. 6 Q And yet it's not referenced anywhere in 7 your report, is it? 8 A That's correct. 9 Q But at some point in time, it became 10 important enough to you to include it on the list 11 that you provided to us last night, right? 12 MR. LOCKE: Objection. 13 MR. ZELLERS: Objection. Form. 14 THE WITNESS: So -- so the -- so my 15 report contains all the references that I cited. 16 This list considers everything that I also 17 considered but didn't cite. It's a complete list 18 of references. 19 BY MR. MEADOWS: 20 Q Right. To be clear, Health Canada again 21 was not cited to or referenced in your report, 22 correct? 23 A The draft screening assessment that was 24 published by Health Canada is not referenced in my 25 report.</p>

<p style="text-align: right;">Page 170</p> <p>1 Q But you were aware of it at the time you</p> <p>2 signed your report, correct?</p> <p>3 A I was aware of it, yes.</p> <p>4 Q Okay. I want to flip over to page 28.</p> <p>5 And again, your report says:</p> <p>6 "Scientific literature does not support a causal</p> <p>7 relationship between perineal talc use and ovarian</p> <p>8 cancer." Right?</p> <p>9 MR. ZELLERS: Okay. Objection. You</p> <p>10 said her report. Is that what you meant?</p> <p>11 MR. MEADOWS: Yeah, that's what I'm</p> <p>12 looking at here on the screen, her -- again, her</p> <p>13 report.</p> <p>14 MR. ZELLERS: Okay.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Your report, Dr. Moore.</p> <p>17 MR. ZELLERS: I apologize, Counsel.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q It's on the screen right there. It</p> <p>20 says: "Scientific literature does not support a</p> <p>21 causal relationship between perineal talc use and</p> <p>22 ovarian cancer."</p> <p>23 That's what you said in February of</p> <p>24 2019, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 172</p> <p>1 MR. ZELLERS: Objection. Form.</p> <p>2 THE WITNESS: Okay. So those --</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Is that what it says?</p> <p>5 A Those words are written in this draft</p> <p>6 screening assessment.</p> <p>7 Q Okay. So what you said in your report</p> <p>8 is not correct, is it?</p> <p>9 MR. LOCKE: Objection.</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: So what I said in my</p> <p>12 report is correct, according to the scientific</p> <p>13 literature.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q "Scientific literature does not support</p> <p>16 a causal relationship between perineal talc use</p> <p>17 and ovarian cancer."</p> <p>18 Are you saying that Health Canada is not</p> <p>19 scientific literature?</p> <p>20 A So I'm saying that what I did was</p> <p>21 different than what Health Canada did.</p> <p>22 Q Okay. Now, I'm asking you -- you wrote</p> <p>23 this sentence, right?</p> <p>24 "Scientific literature does not support</p> <p>25 a causal relationship between perineal talc use</p>
<p style="text-align: right;">Page 171</p> <p>1 Q Exhibit 7, Health Canada came out in</p> <p>2 December 2018, and you said you were aware of</p> <p>3 it --</p> <p>4 A That is correct.</p> <p>5 Q -- shortly after it came out and before</p> <p>6 you wrote your report, right?</p> <p>7 A While I was writing my report, yes.</p> <p>8 Q Okay. So Health Canada says: "The meta</p> <p>9 analyses of the available human studies in the</p> <p>10 peer-reviewed literature indicate a consistent and</p> <p>11 statistically significant positive association</p> <p>12 between perineal exposure to talc and ovarian</p> <p>13 cancer. Further, available data are indicative of</p> <p>14 a causal effect."</p> <p>15 Did I read that correct?</p> <p>16 A You did read that correctly.</p> <p>17 Q "Given that there is the potential for</p> <p>18 perineal exposure to talc from the use of various</p> <p>19 self-care products, a potential concern for human</p> <p>20 health has been identified."</p> <p>21 Did I read that correctly?</p> <p>22 A You have read that correctly.</p> <p>23 Q Specifically Health Canada says it's</p> <p>24 indicative -- the data is indicative of a causal</p> <p>25 effect, correct?</p>	<p style="text-align: right;">Page 173</p> <p>1 and ovarian cancer?" You wrote that, right?</p> <p>2 A I did write that.</p> <p>3 Q And Health Canada -- you knew at the</p> <p>4 time you wrote that that Health Canada had found a</p> <p>5 causal effect, right?</p> <p>6 MR. ZELLERS: Excuse me. Objection.</p> <p>7 Form. Foundation.</p> <p>8 THE WITNESS: So I don't believe that --</p> <p>9 I think you misstated what Health Canada found.</p> <p>10 And I based my studies, my whole assessment based</p> <p>11 on the scientific dataset that's available today.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Well, Health Canada was available when</p> <p>14 you wrote this, right?</p> <p>15 A Health Canada is not a scientific study.</p> <p>16 Q Oh, okay. So you say Health Canada is</p> <p>17 not a scientific study.</p> <p>18 A So Health Canada is an assessment that</p> <p>19 was done. It's a draft. It's based on a</p> <p>20 publication that has not been accepted for peer</p> <p>21 review, so it's a prepublication, is the basis for</p> <p>22 a lot of the opinions that are expressed in this</p> <p>23 draft screening assessment. So it's unclear what</p> <p>24 the final assessment will say.</p> <p>25 Q You're saying this is not peer-reviewed?</p>

<p style="text-align: right;">Page 174</p> <p>1 A That's not what I said. The Taher 2 article, the manuscript that this is based on, I 3 don't know if it's been peer-reviewed or not. 4 Q You don't know if Taher has been 5 peer-reviewed? 6 A That's correct. 7 Q Okay. You just don't as you sit here 8 today whether -- 9 MR. LOCKE: Objection. 10 BY MR. MEADOWS: 11 Q -- Taher has been peer-reviewed. 12 MR. ZELLERS: Objection. Form. 13 THE WITNESS: So I base my scientific 14 opinions on scientific knowledge that is -- that 15 is known. I didn't have access to the Taher 16 publication until -- the supplemental materials 17 until after the publication -- until after I wrote 18 my report. So I couldn't even assess what Taher 19 had done. 20 BY MR. MEADOWS: 21 Q At the end of the day, why didn't you 22 include Health Canada in that sentence in some 23 way, shape or form, even it was to put a footnote 24 or asterisks? Because it clearly says "causal," 25 doesn't it?</p>	<p style="text-align: right;">Page 176</p> <p>1 draft assessment based on a publication that's not 2 been published. It's based on methodology that 3 was perhaps different than mine. 4 BY MR. MEADOWS: 5 Q So you didn't even take a -- take it 6 into account in your analysis, right? 7 A So this was a different analysis. It's 8 a draft publication. I didn't think it was -- 9 it -- pertinent because it's a draft based on an 10 unpeer-reviewed source. 11 Q You keep using the word "draft." You do 12 understand that the government of Canada has now 13 started issuing warnings to the public about the 14 dangers of genital talc use. 15 MR. ZELLERS: Objection. 16 BY MR. MEADOWS: 17 Q Are you aware of that? 18 MR. ZELLERS: Objection. Form, 19 foundation. 20 THE WITNESS: I'm not aware. 21 BY MR. MEADOWS: 22 Q I mean, they're not considering this a 23 draft. They -- they have decided that the public 24 needs to know about this risk. Are you aware of 25 that?</p>
<p style="text-align: right;">Page 175</p> <p>1 A Well -- 2 MR. ZELLERS: Go ahead. 3 THE WITNESS: -- that word is in the 4 sentence, but it doesn't -- nowhere in the 5 conclusions do I say -- does this say that there 6 is a causal relationship. 7 If you look at the paragraph before 8 that, it in no way indicates that there's a causal 9 relationship. And so, I mean, this is one 10 sentence that's pulled out of context with the 11 word "causal" in it. 12 BY MR. MEADOWS: 13 Q You know, there are other sentences in 14 there that talk about "causal." 15 So you -- what you're saying is that 16 Health Canada has no weight in your analysis. 17 A That's not what I -- 18 MR. LOCKE: Objection. 19 THE WITNESS: That's not what I said. 20 BY MR. MEADOWS: 21 Q Okay. Well, I don't see where it was 22 referenced in your report anywhere, right? 23 MR. ZELLERS: Objection. Asked and 24 answered. Form. 25 THE WITNESS: So Health Canada is a</p>	<p style="text-align: right;">Page 177</p> <p>1 MR. ZELLERS: Objection. Form, 2 foundation. 3 THE WITNESS: Again, I'm aware of the 4 conclusions that it says "may or may not." 5 BY MR. MEADOWS: 6 Q What says "may or may not"? 7 A Sorry, I stand corrected. It may -- 8 that have or may have an effect. 9 Q That's not the language they use right 10 here, is it? They say "indicative of a causal 11 effect," right? 12 MR. ZELLERS: Objection. Form. 13 THE WITNESS: Well, again, that's one 14 statement. Health Canada uses precaution in their 15 assessment, which takes -- that makes assumptions 16 regarding data that are not available in the 17 literature. 18 BY MR. MEADOWS: 19 Q All right. I want to move on to the 20 next document here. We're still on the same 21 topic, by the way, which is your statement that: 22 "Scientific literature does not support a causal 23 relationship between perineal talc use and ovarian 24 cancer." 25 A Thank you.</p>

<p style="text-align: right;">Page 178</p> <p>1 MR. ZELLERS: What number are we on?</p> <p>2 MS. TUCKER: 8.</p> <p>3 MR. ZELLERS: 8? Thank you.</p> <p>4 (Moore Exhibit No. 8 was marked</p> <p>5 for identification.)</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q All right. I've given you what I marked</p> <p>8 as Exhibit 8.</p> <p>9 Are you familiar with that?</p> <p>10 A (Peruses document.)</p> <p>11 I haven't seen the published form, but I</p> <p>12 believe this is the Saed manuscript that I</p> <p>13 reviewed.</p> <p>14 Q Okay. This is the one that you're</p> <p>15 critical of, right?</p> <p>16 MR. ZELLERS: Objection. Form.</p> <p>17 THE WITNESS: So I was critical of the</p> <p>18 methodology that was used to generate the -- this</p> <p>19 data.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Have you written a letter to the editor</p> <p>22 of this journal telling them that the methodology</p> <p>23 is all screwed up?</p> <p>24 A I have not.</p> <p>25 Q Are you planning on doing that?</p>	<p style="text-align: right;">Page 180</p> <p>1 A No, I do not.</p> <p>2 Q Do you know what their qualifications</p> <p>3 are, all these people?</p> <p>4 A No, I do not.</p> <p>5 Q But that wasn't important to you as far</p> <p>6 as your methodology in criticizing their work,</p> <p>7 right?</p> <p>8 MR. ZELLERS: Objection.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q It didn't make any difference to you</p> <p>11 what the degree of expertise they have, right?</p> <p>12 MR. ZELLERS: Objection. Form.</p> <p>13 THE WITNESS: So, again, I criticized</p> <p>14 the methodology that was used.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q And as a part of your methodology, you</p> <p>17 don't look at what another expert's qualifications</p> <p>18 are, do you?</p> <p>19 MR. ZELLERS: Objection. Form, asked</p> <p>20 and answered.</p> <p>21 THE WITNESS: So method and scientific</p> <p>22 data stand on their own.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q So that's a yes, I don't look at</p> <p>25 qualifications, right?</p>
<p style="text-align: right;">Page 179</p> <p>1 A I haven't thought about it.</p> <p>2 Q No?</p> <p>3 Let's -- let's go through some of the</p> <p>4 findings here. And again, we're talking about</p> <p>5 your statement: "Scientific literature does not</p> <p>6 support a causal relationship between perineal</p> <p>7 talc use and ovarian cancer."</p> <p>8 When did this come out, by the way? Do</p> <p>9 you know?</p> <p>10 A I do not. It says 2019, but it doesn't</p> <p>11 have a date beyond that -- I don't see a date</p> <p>12 beyond that.</p> <p>13 Q So the title of it is "Molecular Basis</p> <p>14 Supporting the Association of Talcum Powder Use</p> <p>15 with Increased Risk of Ovarian Cancer."</p> <p>16 We've already talked about Dr. Saed, and</p> <p>17 I'll highlight his name there.</p> <p>18 There's a number of other scientists</p> <p>19 named here. Do you know any of them?</p> <p>20 A No, I do not.</p> <p>21 Q Dr. Nicole Fletcher; Dr. Amy Harper, MD;</p> <p>22 Irma Memaj; Rong Fan; Robert T. Morris, MD.</p> <p>23 You don't know any of those folks?</p> <p>24 A No, I don't know them.</p> <p>25 Q And you don't know Dr. Saed, do you?</p>	<p style="text-align: right;">Page 181</p> <p>1 MR. ZELLERS: Objection. Form.</p> <p>2 THE WITNESS: Well, it's a pretty</p> <p>3 general statement that I don't -- I don't feel</p> <p>4 comfortable answering yes or no.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q I mean, you -- you're being critical not</p> <p>7 only of Dr. Saed but all these other doctors too,</p> <p>8 right, including MDs?</p> <p>9 MR. ZELLERS: Objection. Form.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Are you an MD?</p> <p>12 A I am not an MD. So I don't know --</p> <p>13 MR. ZELLERS: Hold on. There's no</p> <p>14 question pending.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q So let's go down here in the abstract.</p> <p>17 It says: "Here we demonstrated that</p> <p>18 talc induces significant changes in key redox</p> <p>19 enzymes and enhances the prooxidant state in</p> <p>20 normal and EOC cells."</p> <p>21 Do you know what EOC stands for?</p> <p>22 A I can assume, but it's -- it's</p> <p>23 epithelial ovarian cancer. It's down in the</p> <p>24 introduction.</p> <p>25 Q You go on down in the abstract, it says:</p>

<p style="text-align: right;">Page 182</p> <p>1 "These findings are the first to confirm the 2 cellular effect of talc and provide a molecular 3 mechanism to previous reports linking genital 4 talc use -- genital use to increased ovarian 5 cancer risk." 6 Did I read that correctly? 7 A I believe so, yes, you read that 8 correctly. 9 Q So that alone disproves your statement, 10 doesn't it? 11 MR. LOCKE: Objection. 12 BY MR. MEADOWS: 13 Q "Scientific literature does not support 14 a causal relationship between perineal talc use 15 and ovarian cancer." 16 MR. LOCKE: Objection. 17 MR. ZELLERS: Objection. Form. 18 THE WITNESS: So the sentence that you 19 read from this individual paper is perhaps out of 20 context. You have to evaluate -- so from -- for 21 me, I evaluated the notebooks and the data that 22 created these results. So I -- that does not 23 disprove my opinion that scientific data do not 24 support that talc is a cause of ovarian cancer. 25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 184</p> <p>1 talc does not -- is not causally linked to ovarian 2 cancer. 3 BY MR. MEADOWS: 4 Q Okay. But your -- your statement here 5 is a little different. It says: "Scientific 6 literature does not support a causal relationship 7 between perineal talc use and ovarian cancer." 8 A That's right. 9 Q So you're just saying you can't even 10 take that one into consideration. That that Saed 11 study, we're not even going to consider it. 12 MR. ZELLERS: Hold on. Objection. 13 Form, misstates her testimony. 14 THE WITNESS: So that's not what I said. 15 BY MR. MEADOWS: 16 Q Okay. Well, we know we -- we know you 17 didn't consider Health Canada. Right? 18 MR. ZELLERS: Objection. 19 THE WITNESS: That's not what I said. 20 BY MR. MEADOWS: 21 Q Well, it's not in your report, is it? 22 A It's a draft assessment that's based its 23 -- its findings on an unpublished source. I did 24 not include that in my report. 25 Q Right. And then as far as Saed goes,</p>
<p style="text-align: right;">Page 183</p> <p>1 Q Well, let's flip over and just see if -- 2 see if maybe this changes your mind. Flip over to 3 page 5. 4 It says down here: "In this study we 5 have shown beyond doubt that talc alters key redox 6 and inflammatory markers, enhances cell 7 proliferation and inhibits apoptosis, which are 8 hallmarks of ovarian cancer." 9 Did I read that correctly? 10 A You read that correctly. 11 Q "More importantly, this effect is also 12 manifested by talc in normal cells, including 13 surface ovarian epithelium, fallopian tube, and 14 macrophages. Oxidative stress has been implicated 15 in the pathogenesis of ovarian cancer." 16 Did I read that correctly? 17 A Yes. You have read those sentences 18 correctly. 19 Q So does that change your mind at all? 20 MR. ZELLERS: Objection. Form. 21 THE WITNESS: Again, I'd have to go back 22 to my earlier answer that I evaluated the 23 methodology that he used in evaluating these 24 opinions. That doesn't change my opinion at all 25 that perineal use of ovarian -- perineal use of</p>	<p style="text-align: right;">Page 185</p> <p>1 you talk about Saed and talk about his methodology 2 and saying that it's wrong, but you don't take 3 into account that this is in the medical 4 literature. 5 I mean this is medical literature, is it 6 not? 7 MR. ZELLERS: Objection. Form. 8 THE WITNESS: Again, I -- the term 9 "medical literature" is a new one to me. This is 10 in scientific literature is how I would refer to 11 it. 12 BY MR. MEADOWS: 13 Q While I'm looking for one other thing to 14 talk to you about, this particular article was 15 published in the journal -- I think the Journal of 16 Reproductive Sciences; is that right? 17 A It says "Reproductive Sciences." I 18 don't know what the -- the long -- long term is. 19 Q Are you familiar with that journal? 20 A I've seen articles, but I'm not familiar 21 any more than reading articles from it. 22 Q Any reason to believe it's not a 23 reputable journal? 24 MR. ZELLERS: Objection. Form, 25 foundation.</p>

<p style="text-align: right;">Page 186</p> <p>1 THE WITNESS: I don't know what --</p> <p>2 MR. ZELLERS: Hold on, please. Excuse</p> <p>3 me.</p> <p>4 THE WITNESS: Sorry.</p> <p>5 MR. ZELLERS: Objection. Form,</p> <p>6 foundation.</p> <p>7 Go ahead.</p> <p>8 THE WITNESS: So I don't know what you</p> <p>9 mean by "repute- -- reputable journal."</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Okay. All right.</p> <p>12 On the subject of Dr. Saed, are you</p> <p>13 aware how many published articles he has on the</p> <p>14 issues related to oxidative stress and ovarian</p> <p>15 cancer?</p> <p>16 A I do not know.</p> <p>17 Q Have you performed any in vitro</p> <p>18 laboratory research relating to ovarian cancer?</p> <p>19 A I have not.</p> <p>20 Q Have you published any studies relating</p> <p>21 to the molecular basis of ovarian cancer?</p> <p>22 A I have not.</p> <p>23 Q Have you published any article that even</p> <p>24 has "ovarian cancer" in the title?</p> <p>25 A No, I have not.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q Are you aware that Dr. Saed's talcum</p> <p>2 powder research has been presented at at least</p> <p>3 three national scientific meetings?</p> <p>4 MR. ZELLERS: Objection. Form,</p> <p>5 foundation.</p> <p>6 THE WITNESS: No. I -- I knew at least</p> <p>7 one. I didn't know how many.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Going back to your answer regarding</p> <p>10 having performed studies on the biological effects</p> <p>11 of particles, were any of those published?</p> <p>12 A So those were National Toxicology</p> <p>13 studies. They wouldn't have been in peer-reviewed</p> <p>14 literature, no.</p> <p>15 Q I missed the end of that.</p> <p>16 A They would not have been in peer-</p> <p>17 reviewed literature. They're just generated</p> <p>18 study -- internal study reports.</p> <p>19 Q Have you presented any research on</p> <p>20 ovarian cancer or related topics at national</p> <p>21 scientific meetings?</p> <p>22 A No. Except for the -- the presentations</p> <p>23 that we discussed earlier.</p> <p>24 Q Okay. Do you consider those national</p> <p>25 scientific meetings?</p>
<p style="text-align: right;">Page 187</p> <p>1 Q Have you performed any in vitro</p> <p>2 laboratory research relating to the type -- to any</p> <p>3 type of cancer?</p> <p>4 A So I think the answer to that is no.</p> <p>5 Q Good enough.</p> <p>6 A Yeah.</p> <p>7 Q Have you ever performed any studies on</p> <p>8 the biological effects of particles?</p> <p>9 A Yes.</p> <p>10 Q Tell me about those.</p> <p>11 A So inhalation studies of particulate</p> <p>12 matter.</p> <p>13 Q Have you ever performed any studies</p> <p>14 relating to the role of oxidative stress and</p> <p>15 cancer?</p> <p>16 A So I've performed studies on test</p> <p>17 articles related to the propensity to cause</p> <p>18 cancer, and some of those may have been related to</p> <p>19 oxidative stress.</p> <p>20 Q Have you published any articles related</p> <p>21 to -- relating to the molecular basis for any type</p> <p>22 of cancer?</p> <p>23 A I hesitate because I'm not sure if some</p> <p>24 of my graduate work has -- was published in the</p> <p>25 field of related cancer effects or not.</p>	<p style="text-align: right;">Page 189</p> <p>1 A Well, the AIHce, the American Industrial</p> <p>2 Hygiene Conference and Expo is the annual meeting</p> <p>3 of industrial hygienists.</p> <p>4 Q Okay. So one.</p> <p>5 A Correct.</p> <p>6 Q Have you submitted any proposals for</p> <p>7 molecular studies to J&J?</p> <p>8 A I have not.</p> <p>9 Q Has J&J asked you to perform any</p> <p>10 molecular studies on talcum powder and ovarian</p> <p>11 cancer?</p> <p>12 A No.</p> <p>13 Q Have you ever reviewed any articles for</p> <p>14 any journal on the topic of ovarian cancer?</p> <p>15 A No.</p> <p>16 Q And you're not an expert on ovarian</p> <p>17 cancer, are you?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 THE WITNESS: So I'm an expert in</p> <p>20 toxicology, and as a toxicologist, we study all</p> <p>21 kind -- all kinds of cancers, including ovarian</p> <p>22 cancer.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q You're not qualified to critique the</p> <p>25 work of a molecular biologist, are you?</p>

<p style="text-align: right;">Page 190</p> <p>1 MR. ZELLERS: Objection. Form, 2 foundation. 3 THE WITNESS: I am qualified to review 4 methodology. 5 BY MR. MEADOWS: 6 Q My question was, you're not qualified to 7 critique the work of a molecular biologist, are 8 you? 9 MR. ZELLERS: Objection. Form. 10 THE WITNESS: No, as a toxicologist, I 11 can -- I am qualified to critique molecular 12 biology experimentations, especially as they 13 relate to the field of toxicology. 14 BY MR. MEADOWS: 15 Q Do you have any reason to believe that 16 this article by Fletcher and Saed and others, 17 Exhibit 8, was not peer-reviewed? 18 A No, I -- I believe this article was 19 peer-reviewed. 20 Q Are you aware of any of the peer 21 reviewers stating that the methodology was flawed? 22 A I have read the reviewers' comments. I 23 don't believe that -- that they issued those same 24 concerns. 25 Q You mean your concerns.</p>	<p style="text-align: right;">Page 192</p> <p>1 THE WITNESS: I don't know what he did 2 to the reviewers. 3 BY MR. MEADOWS: 4 Q Well, now, if a -- there's a fraud going 5 on here, you're going to report it, aren't you? 6 MR. ZELLERS: Okay. Objection. 7 Argumentative. 8 THE WITNESS: So -- so I don't know that 9 it's fraud or misrepresentation. 10 BY MR. MEADOWS: 11 Q All right. Are you going to report this 12 to the reviewers, your findings that this 13 methodology is flawed? 14 MR. ZELLERS: Okay. Objection. 15 Argumentative. 16 THE WITNESS: I have -- I had not 17 considered that. 18 BY MR. MEADOWS: 19 Q Okay. Well, I'm asking you now, are you 20 going to -- are you going to do it? 21 MR. ZELLERS: Okay. Objection. Form, 22 argumentative. 23 THE WITNESS: Again, I -- I'd have to 24 think about that issue. 25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 191</p> <p>1 A Well -- 2 MR. ZELLERS: Objection. Foundation. 3 Go ahead. 4 THE WITNESS: So I reviewed Dr. Saed's 5 notebooks, not his manu- -- and -- and then later 6 his manuscript. 7 BY MR. MEADOWS: 8 Q Okay. So you're aware that the peer 9 reviewers did not find any method- -- 10 methodological flaws in his work, correct? 11 MR. ZELLERS: Objection. Form. 12 MR. LOCKE: Objection. 13 MR. ZELLERS: Foundation. 14 THE WITNESS: So the methods that I 15 reviewed, those methods would not have -- the 16 methodology, the specific methodology that was 17 done, the number of replicates, and -- and his 18 precise methodology was not available to the 19 reviewers. It is not in this manuscript. This 20 manuscript also, as I discuss in my report, 21 misrepresents what his lab -- his lab notebooks 22 said. 23 BY MR. MEADOWS: 24 Q You're saying he lied to the reviewers? 25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 193</p> <p>1 Q Well, how long have you been aware that 2 his methodologies were flawed? 3 A I don't know the exact time frame, but 4 certainly before this report was issued. 5 Q Are you aware of any criticisms that the 6 reviewers had about his work? 7 A So I'd have to go back and see those 8 documents. 9 Q So as you sit here today, you don't 10 recall the reviewers saying things like: 11 "Overall, this is a well-written manuscript and 12 conclusions are supported by the results. 13 "The current in vitro study does provide 14 novel information." 15 "The significance of this study would be 16 greatly enhanced if a mouse model corroborated the 17 cell line findings." 18 "This is an important but controversial 19 topic in need of rigorous scientific inquiry." 20 "The authors compellingly show changes 21 in several key enzymes relating redox potential 22 to -- in cells exposed to talc." 23 "The editor in general stated the work 24 is not without merit and encouraged submission to 25 another journal."</p>

<p style="text-align: right;">Page 194</p> <p>1 You're not aware of any of that?</p> <p>2 MR. LOCKE: Objection.</p> <p>3 MR. ZELLERS: Objection. Form.</p> <p>4 THE WITNESS: Generally I'm aware of the</p> <p>5 reviewers' comments. I'm aware of the first</p> <p>6 rejection. I'm aware that the second one was</p> <p>7 accepted.</p> <p>8 Beyond that, if you want to talk about</p> <p>9 individual comments, we could pull them out and</p> <p>10 look at them to determine which ones are pertinent</p> <p>11 to the task at hand.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Do you believe Dr. Saed to be</p> <p>14 incompetent?</p> <p>15 MR. ZELLERS: Objection. Form.</p> <p>16 THE WITNESS: I don't know Dr. Saed.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Do you believe he's dishonest?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: Again, I don't know</p> <p>21 Dr. Saed. I don't know who wrote the article.</p> <p>22 All I can tell you is the -- that the methods were</p> <p>23 flawed.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Explain what was flawed.</p>	<p style="text-align: right;">Page 196</p> <p>1 And as I understood it, your hourly rate</p> <p>2 is \$400 an hour, right?</p> <p>3 A It is.</p> <p>4 Q So are there others who were working</p> <p>5 during that time period that had a higher rate</p> <p>6 that would bring the average up?</p> <p>7 A So the average --</p> <p>8 Q Yeah, the average for -- for a period of</p> <p>9 time, there were times when your -- your average</p> <p>10 was higher than \$400 an hour. So it tells me that</p> <p>11 somebody was doing work that charges in excess of</p> <p>12 \$400 an hour.</p> <p>13 A Okay.</p> <p>14 Q Who was it?</p> <p>15 A I don't know who it was specifically. I</p> <p>16 know that Bruce Kelman -- or Dr. Kelman helped me</p> <p>17 in the beginning of the project.</p> <p>18 Q Dr. Kelman, you referred to him earlier?</p> <p>19 A Correct. He's the president of Veritox</p> <p>20 as well as a principal toxicologist.</p> <p>21 Q He was the one who was invited to speak,</p> <p>22 and you went in his place.</p> <p>23 A He was the one who -- the invitation was</p> <p>24 offered, yes.</p> <p>25 Q Okay. And then there are -- so what is</p>
<p style="text-align: right;">Page 195</p> <p>1 A So --</p> <p>2 Q Well, let me ask you this in the</p> <p>3 interest of time: Have you thoroughly explained</p> <p>4 your criticisms in your report regarding Dr. Saed?</p> <p>5 A I believe there are criticisms that are</p> <p>6 thoroughly explained in my report.</p> <p>7 Q Okay.</p> <p>8 MR. MEADOWS: All right. Y'all want to</p> <p>9 take our break for lunch?</p> <p>10 MR. ZELLERS: It's your show.</p> <p>11 THE VIDEOGRAPHER: The time is 1:23 p.m.</p> <p>12 We're going off the record.</p> <p>13 (Lunch recess.)</p> <p>14 THE VIDEOGRAPHER: The time is 2:16 p.m.</p> <p>15 We're back on the record.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Dr. Moore, I want to go back to your</p> <p>18 billing statements.</p> <p>19 A Okay.</p> <p>20 Q Do you have them?</p> <p>21 A I do.</p> <p>22 Q Somebody helped me out with a little bit</p> <p>23 of math on this during the break, and there</p> <p>24 appeared to be periods of time where the average</p> <p>25 amount being charged per hour exceeds \$400.</p>	<p style="text-align: right;">Page 197</p> <p>1 Dr. Kelman's rate?</p> <p>2 A I don't know.</p> <p>3 Q You don't know. And did he do any work</p> <p>4 in 2019 on this?</p> <p>5 A I don't -- I don't know. He probably</p> <p>6 did some work in 2019.</p> <p>7 Q There are other time periods where the</p> <p>8 average is less than \$400 an hour, which leads me</p> <p>9 to believe that there were other people working on</p> <p>10 it who charge a little lesser or lower rate. Who</p> <p>11 were those people?</p> <p>12 A So those people included Jennifer</p> <p>13 Hobden.</p> <p>14 Q Jennifer --</p> <p>15 A Hobden.</p> <p>16 Q Hobden.</p> <p>17 A Yeah, Jennifer, and then H-O-B-D-E-N.</p> <p>18 Q Yeah. Okay.</p> <p>19 A Lara Diener, L --</p> <p>20 Q You mentioned her earlier.</p> <p>21 A Right.</p> <p>22 Q Okay. Who else?</p> <p>23 A Brianna Bennett.</p> <p>24 Q I think you mentioned her earlier as</p> <p>25 well.</p>

<p style="text-align: right;">Page 198</p> <p>1 A Probably Rebecca Ticknor.</p> <p>2 Q Yeah.</p> <p>3 A And there's probably some others that</p> <p>4 helped with literature citation checks and things.</p> <p>5 Q Okay. To be clear, I want to -- I can't</p> <p>6 remember how I've asked this or whether I've asked</p> <p>7 it the right way, but I want to make sure I'm</p> <p>8 clear on my understanding of your -- whether</p> <p>9 you've done any testing involving talc.</p> <p>10 Have you ever done any testing involving</p> <p>11 talc?</p> <p>12 A So by testing, you mean --</p> <p>13 Q Lab tests.</p> <p>14 A Laboratory-based testing?</p> <p>15 Q Yes.</p> <p>16 A No, I have not.</p> <p>17 Q And that would include cell testing,</p> <p>18 microscopic analysis, any -- any type of testing.</p> <p>19 I just want to make sure I'm not missing anything</p> <p>20 here.</p> <p>21 A I have not tested talc in a laboratory</p> <p>22 setting.</p> <p>23 Q Okay. Have you had any communications</p> <p>24 with other experts in the talc litigation?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 200</p> <p>1 A I missed the last --</p> <p>2 Q Jonathan Borak.</p> <p>3 A No, I don't know him.</p> <p>4 Q Brooke Mossman?</p> <p>5 A No. Again, I know -- know her name, but</p> <p>6 I don't know her personally.</p> <p>7 Q Okay. Let's go back to your report. I</p> <p>8 would like to flip over to page 22.</p> <p>9 Give me a minute. I'm a little lost on</p> <p>10 where -- I don't think I'm pointing you in the</p> <p>11 right direction.</p> <p>12 (Counsel conferring.)</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q Forget about that page. If you disagree</p> <p>15 with what I have written down as a quote from your</p> <p>16 report, then we'll go hunting for it.</p> <p>17 But I have a note here that in your</p> <p>18 report, you say: "Johnson's Baby Powder and</p> <p>19 Shower to Shower have not been shown to contain</p> <p>20 asbestos fibers."</p> <p>21 Does that sound familiar? Am I -- or do</p> <p>22 we need to hunt this down?</p> <p>23 A You probably need to hunt that down.</p> <p>24 Q Okay.</p> <p>25 MR. MEADOWS: Have you got it?</p>
<p style="text-align: right;">Page 199</p> <p>1 Q Do you know who any of them are?</p> <p>2 A I know their names.</p> <p>3 Q How do you know their names?</p> <p>4 A From seeing them in this talc</p> <p>5 litigation, and some of them I -- I knew the names</p> <p>6 beforehand.</p> <p>7 Q Did you -- do you know any of the</p> <p>8 experts involved in this litigation -- well, do</p> <p>9 you know any of them personally?</p> <p>10 A Personally, to walk up and say hello?</p> <p>11 Q Yes.</p> <p>12 A No.</p> <p>13 Q Have you ever met any of them before?</p> <p>14 A I think I may have met Dr. Zelikoff, but</p> <p>15 I'm not sure.</p> <p>16 Q Where would that have been if you think</p> <p>17 it happened?</p> <p>18 A At the Society of Toxicology annual</p> <p>19 meetings.</p> <p>20 Q Do you know Ann Wylie?</p> <p>21 A No. I know the name, but I don't know</p> <p>22 her personally.</p> <p>23 Q Kelly Tuttle?</p> <p>24 A No. Again, just by name.</p> <p>25 Q Jonathan Borak?</p>	<p style="text-align: right;">Page 201</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q Go to page 19.</p> <p>3 A Okay.</p> <p>4 Q I'll highlight it for you.</p> <p>5 See where I'm talking about?</p> <p>6 A I do.</p> <p>7 Q You agree you wrote that?</p> <p>8 A I wrote that.</p> <p>9 Q What's your base -- basis for that</p> <p>10 statement?</p> <p>11 A That they have not been shown to contain</p> <p>12 asbestos fibers.</p> <p>13 Q What's your basis for the statement:</p> <p>14 "Johnson's Baby Powder and Shower to Shower have</p> <p>15 not been shown to contain asbestos fibers"?</p> <p>16 A The scientific dataset does not support</p> <p>17 that asbestos fibers have been found in Johnson's</p> <p>18 Baby Powder and Shower to Shower products.</p> <p>19 Q Have you seen internal documents from</p> <p>20 Johnson & Johnson involving the testing of talc</p> <p>21 for asbestos?</p> <p>22 A I probably have.</p> <p>23 Q You probably have?</p> <p>24 A Yeah, they're in the materials that I</p> <p>25 received, there are some. If you want to talk</p>

<p style="text-align: right;">Page 202</p> <p>1 about them in specifics, we can go through those 2 materials. 3 Q Have you seen positive results in those 4 documents? 5 MR. ZELLERS: Objection. Form, vague. 6 THE WITNESS: Positive results, meaning? 7 BY MR. MEADOWS: 8 Q For asbestos. 9 A So it depends how you define "asbestos." 10 Q How do you define "asbestos"? 11 A Asbestos would be one of the six 12 regulated minerals that I -- I have in my report 13 listed. 14 Q Okay. So have you seen positive results 15 for that? 16 MR. ZELLERS: Objection. Form. 17 THE WITNESS: So again, the results that 18 I've seen, it's my understanding they're 19 inconclusive whether or not it is asbestos or not. 20 That's what the statement reflects. 21 BY MR. MEADOWS: 22 Q Okay. So the basis for that statement 23 right there in your report is, in part, as a 24 result of viewing internal Johnson & Johnson 25 documents that you say show inconclusive positive</p>	<p style="text-align: right;">Page 204</p> <p>1 mineralogy reports. But that's what I meant by 2 that statement. 3 Q True or false, Dr. Moore is not an 4 expert in geology or mineralogy? 5 MR. ZELLERS: Objection. Form. Asked 6 and answered. 7 THE WITNESS: So again, I would say the 8 same response, which is that toxicology 9 encompasses a lot of different disciplines that we 10 use as tools for the practice of toxicology. One 11 of those is understanding the basics of mineralogy 12 and geology in applying expert opinions. 13 BY MR. MEADOWS: 14 Q It sounds like another "or." 15 MR. ZELLERS: Objection. Form. 16 Misstates the evidence and her testimony. 17 MR. MEADOWS: Let's mark this. 18 (Moore Exhibit No. 9 was marked 19 for identification.) 20 BY MR. MEADOWS: 21 Q So I marked this "true or false" quiz 22 Exhibit 9. Do you see I did that? 23 MR. ZELLERS: Is that a -- 24 BY MR. MEADOWS: 25 Q We've been having a discussion about</p>
<p style="text-align: right;">Page 203</p> <p>1 results. 2 MR. ZELLERS: Objection. Form, 3 foundation. 4 THE WITNESS: That's not what I said. 5 BY MR. MEADOWS: 6 Q What did you say? 7 A I said the scientific literature is not 8 conclusive. 9 Q So you didn't take into account internal 10 documents reflecting positive results, did you? 11 MR. ZELLERS: Objection. Form, 12 foundation. 13 THE WITNESS: So again, I'm not a 14 geologist or a mineralogist. I've seen some 15 reports that, you know, we could talk about it, 16 each one of them independently if we want. But 17 they do not provide evidence that asbestos was 18 definitively found in Johnson's Baby Powder. 19 BY MR. MEADOWS: 20 Q I believe you just said that you're not 21 an expert in geology or mineralogy. Correct? 22 A So what I meant by that statement is I'm 23 not an expert in the -- the exact mechanics of 24 geology or mineralogy, how minerals are formed. 25 As a toxicologist, I interpret geology and</p>	<p style="text-align: right;">Page 205</p> <p>1 this all day, right? 2 MR. ZELLERS: Is that a question? 3 MR. MEADOWS: Yeah. 4 BY MR. MEADOWS: 5 Q We've been having a discussion about 6 Exhibit 9 over the course of today, right? 7 MR. ZELLERS: Objection. Form. 8 MR. LOCKE: Yeah, I'm going to object to 9 having that -- whatever it is -- marked as an 10 exhibit. 11 BY MR. MEADOWS: 12 Q We've been discussing this over the 13 course of today, right, your expertise? 14 MR. ZELLERS: Hold on. Objection. 15 Form. 16 Are you asking about her expertise or 17 are you asking about the notes you put together as 18 Exhibit 9. 19 MR. MEADOWS: The notes I put together 20 as Exhibit 9. 21 BY MR. MEADOWS: 22 Q I mean, you've seen me write these notes 23 out, right, today? 24 A I saw you write those notes based on 25 elaborate discussions that we've had.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q Okay. Now, with respect to your 2 statement regarding baby powder and Shower to 3 Shower have not been shown to contain asbestos 4 fibers, have you seen testing from Battelle that 5 confirmed the presence of asbestos in baby powder 6 and Shower to Shower?</p> <p>7 A I don't recall where the documents 8 originated.</p> <p>9 Q All right. Even though you worked at 10 Battelle, that didn't -- that's just not something 11 that registered with your memory?</p> <p>12 A No.</p> <p>13 Q No?</p> <p>14 All right. Going back to the -- your 15 report, on page 17.</p> <p>16 You have a statement here: "On balance, 17 scientific literature provides no support for a 18 potential relationship between perineal cosmetic 19 talc and ovarian cancer."</p> <p>20 Did I read that correctly?</p> <p>21 A Yes.</p> <p>22 Q What does "on balance" mean?</p> <p>23 A It means when you evaluate the entirety 24 of the data.</p> <p>25 Q Is that a scientific term?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q So when you say "on balance," what -- 2 what do you mean by "balance"?</p> <p>3 A "Balance" means when you review all the 4 totality of the data.</p> <p>5 Q So it leads me to believe that there is 6 some literature that does support a relationship. 7 I mean if you're having to balance it, wouldn't 8 you agree that that means that there is some 9 literature that supports the idea that perineal 10 talc use causes ovarian cancer?</p> <p>11 MR. ZELLERS: Objection. Form. 12 Misstates her testimony.</p> <p>13 THE WITNESS: So the -- the question at 14 hand has to be done -- it can't be done in an 15 iso- -- isolated fashion by evaluating one study 16 versus another. It's an evaluation of the 17 scientific dataset.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q As you sit here today, you are not 20 willing to concede that there is some scientific 21 literature that provides support for a 22 relationship between perineal talc use and ovarian 23 cancer.</p> <p>24 MR. ZELLERS: Objection. Form. 25 THE WITNESS: Well, I think we can go</p>
<p style="text-align: right;">Page 207</p> <p>1 A It's a term that I used in this report.</p> <p>2 Q Have you seen that term used in 3 scientific literature?</p> <p>4 A I can't say one way or another. It's an 5 expression.</p> <p>6 Q Well, you would agree that there is 7 scientific literature that does provide a support 8 for a relationship between perineal talc use and 9 ovarian cancer, wouldn't you?</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: So my opinion is that when 12 you evaluate the entire scientific dataset, that 13 there is no causal association between perineal 14 talc use and ovarian cancer.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Yeah, my question was, you would agree 17 that there is scientific literature that does 18 provide support for a relationship between 19 perineal talc and ovarian cancer.</p> <p>20 MR. ZELLERS: Objection. Form.</p> <p>21 THE WITNESS: So I think we need to 22 evaluate the scientific literature independently 23 and look at -- look at each study, and then decide 24 how the scientific body of evidence weighs in.</p> <p>25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 209</p> <p>1 through each of my opinions, and then we can 2 discuss that.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q I'm asking you a question right here and 5 right now. Is there scientific literature that 6 supports the idea of a relationship between 7 perineal talc use and ovarian cancer?</p> <p>8 MR. ZELLERS: Same objection.</p> <p>9 THE WITNESS: Sorry, I couldn't hear 10 you.</p> <p>11 So again, you have to evaluate the 12 entire dataset in order to answer that question. 13 So the -- the scientific dataset does not support 14 a causal relationship between perineal talc use 15 and ovarian cancer.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Well, "on balance" to me means that 18 you've weighed the available information. Is that 19 fair to say?</p> <p>20 A So I've evaluated the available 21 information.</p> <p>22 Q There's some information that says 23 there's no relationship and there's some 24 information that says there is a relationship, 25 right?</p>

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<p>1 MR. ZELLERS: Objection. Form.</p> <p>2 THE WITNESS: So again, maybe it was a</p> <p>3 bad phrase to use in my report, but my -- what my</p> <p>4 report says is that there is no causal</p> <p>5 relationship between perineal talc use and the</p> <p>6 use -- and the development of ovarian cancer.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q Well, on balance, how much weight or</p> <p>9 percentage of studies must there be for you to say</p> <p>10 that there is a relationship?</p> <p>11 A So there's not a specific formula. Each</p> <p>12 causal relationship has to be evaluated</p> <p>13 independently, and you have to evaluate the</p> <p>14 dataset that's there. Like I said, if you want to</p> <p>15 go through the opinions, we can go through them.</p> <p>16 Q Tell me what your methodology was for</p> <p>17 reaching that conclusion.</p> <p>18 A For the conclusion that --</p> <p>19 Q The one that's highlighted right here</p> <p>20 that we've been talking about: "On balance,</p> <p>21 scientific literature provides no support for a</p> <p>22 potential relationship between perineal talc use</p> <p>23 and ovarian cancer."</p> <p>24 A So the methodology is -- is my report,</p> <p>25 and so in the introduction sections of my report,</p>	<p>1 relationship between perineal talc use and ovarian</p> <p>2 cancer.</p> <p>3 Q All right. In addition to Health</p> <p>4 Canada, you didn't take into consideration the</p> <p>5 Saed findings, right?</p> <p>6 A So the Saed findings, as we discussed,</p> <p>7 were methodologically flawed.</p> <p>8 Q So you didn't take into account Saed</p> <p>9 because you say his and others -- all the others</p> <p>10 who -- who participated in writing that article</p> <p>11 and those who peer-reviewed it are just wrong</p> <p>12 about the methodology.</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Right?</p> <p>16 A That's -- that's not what I said.</p> <p>17 Q No?</p> <p>18 A No.</p> <p>19 Q So their methodology is okay, you agree</p> <p>20 with it now?</p> <p>21 A I said it was flawed, not wrong.</p> <p>22 Q Okay. And that Health Canada, you can't</p> <p>23 take that into consideration when you wrote this</p> <p>24 statement --</p> <p>25 MR. MEADOWS: Objection. Misstates the</p>
Page 211	Page 213
<p>1 I lay out what toxicology is, what a risk</p> <p>2 assessment is, hazard versus dose, and then in the</p> <p>3 subsequent sections, I evaluate the -- the</p> <p>4 literature based on those criteria. It's a</p> <p>5 general toxicology assessment.</p> <p>6 Q When you wrote that statement, you</p> <p>7 didn't take into account Health Canada that we</p> <p>8 discussed earlier. Right?</p> <p>9 MR. ZELLERS: Objection. Misstates her</p> <p>10 testimony.</p> <p>11 THE WITNESS: Well, I think we did</p> <p>12 discuss -- while we did discuss Health Canada</p> <p>13 earlier, they did a different methodology than I</p> <p>14 did.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q But you didn't take that into account</p> <p>17 when you wrote this report, did you, Health</p> <p>18 Canada?</p> <p>19 MR. ZELLERS: Same objection.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q It's not referenced anywhere in your</p> <p>22 report, right?</p> <p>23 A So my task was to perform an independent</p> <p>24 evaluation of the scientific literature to</p> <p>25 understand whether or not there was a causal</p>	<p>1 evidence.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q -- because you just didn't. You didn't</p> <p>4 include it anywhere in your report, right?</p> <p>5 MR. ZELLERS: Objection. Compound.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q Is Health Canada in your report?</p> <p>8 A Health Canada is not included in my</p> <p>9 report.</p> <p>10 Q Thank you.</p> <p>11 A Health Canada did a different type of</p> <p>12 assessment than I did.</p> <p>13 Q Is it your opinion that talc cannot</p> <p>14 migrate from the perineum to the ovaries?</p> <p>15 A There's been no scientific data to show</p> <p>16 that talc can migrate from the external perineum</p> <p>17 to the ovaries.</p> <p>18 Q You're aware the FDA has stated the</p> <p>19 opposite, right?</p> <p>20 MR. ZELLERS: Objection. Form.</p> <p>21 THE WITNESS: So I'd have to again see</p> <p>22 what you're discussing to make sure we're on the</p> <p>23 same page with that statement.</p> <p>24 MR. MEADOWS: Okay.</p> <p>25 (Moore Exhibit No. 10 was marked</p>

<p style="text-align: right;">Page 214</p> <p>1 for identification.)</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q I show you what I marked as Exhibit 10.</p> <p>4 A Thank you.</p> <p>5 Q Flip over to page 5 -- well, first of</p> <p>6 all, are you familiar with this document?</p> <p>7 A Yes, I have seen this document.</p> <p>8 Q Page 5. You'll see I have highlighted</p> <p>9 on the page, I already highlighted the area I want</p> <p>10 to talk about. I'll read the whole paragraph.</p> <p>11 "While there exists no direct proof of</p> <p>12 talc and ovarian carcinogenesis, the potential for</p> <p>13 particulates to migrate from the perineum and</p> <p>14 vagina to the peritoneal cavity is indisputable."</p> <p>15 MR. ZELLERS: Where -- I'm sorry,</p> <p>16 Counsel. Are you reading the highlighted</p> <p>17 paragraph or -- oh, okay, up above. Excuse me.</p> <p>18 Thank you.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q "It is therefore plausible the perineal</p> <p>21 talc and other particulate that reaches the</p> <p>22 endometrial cavity, fallopian tubes, ovaries,</p> <p>23 peritoneum -- and peritoneum may elicit a foreign</p> <p>24 body type reaction and inflammatory response that</p> <p>25 in some exposed women may progress to epithelial</p>	<p style="text-align: right;">Page 216</p> <p>1 want her now to look at the whole letter</p> <p>2 or just --</p> <p>3 MR. MEADOWS: No, I don't.</p> <p>4 MR. ZELLERS: -- what you read or that</p> <p>5 paragraph?</p> <p>6 MR. MEADOWS: I don't. I want her to</p> <p>7 answer my question.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Do you disagree --</p> <p>10 MS. O'DELL: Object to --</p> <p>11 MR. ZELLERS: Okay. Object to form.</p> <p>12 MS. SHARKO: Are you objecting too?</p> <p>13 MS. O'DELL: I'm objecting to his</p> <p>14 objection.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Do you disagree with anything in this</p> <p>17 paragraph?</p> <p>18 A So --</p> <p>19 MR. ZELLERS: Excuse me. The whole</p> <p>20 paragraph or just what you read?</p> <p>21 MR. MEADOWS: I read the whole</p> <p>22 paragraph.</p> <p>23 MR. ZELLERS: You didn't read the first</p> <p>24 part of the paragraph.</p> <p>25 MR. MEADOWS: I absolutely did.</p>
<p style="text-align: right;">Page 215</p> <p>1 cancers. However, there has been no conclusive</p> <p>2 evidence to support causality."</p> <p>3 Did I read that correctly?</p> <p>4 A You read that statement correctly.</p> <p>5 Q With respect to this sentence here --</p> <p>6 well, let me ask you this: What part of that do</p> <p>7 you disagree with?</p> <p>8 MR. ZELLERS: Objection. Form.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Do you disagree with -- do you disagree</p> <p>11 with any of that paragraph?</p> <p>12 MR. ZELLERS: Same objection.</p> <p>13 THE WITNESS: So there is no scientific</p> <p>14 data that shows that particulates can migrate from</p> <p>15 the perineum to the ovary -- to the ovaries.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q You disagree with the FDA?</p> <p>18 A So this is a letter from the FDA, right,</p> <p>19 that --</p> <p>20 Q Yeah, I realize that.</p> <p>21 A Right. And so I --</p> <p>22 Q What I need to know is whether you</p> <p>23 disagree with the letter from the FDA.</p> <p>24 A So there's --</p> <p>25 MR. ZELLERS: Hold -- hold on. So you</p>	<p style="text-align: right;">Page 217</p> <p>1 MR. ZELLERS: Okay.</p> <p>2 MR. MEADOWS: Go back and read the</p> <p>3 record. I said I have highlighted a certain</p> <p>4 portion of the paragraph. We will read the entire</p> <p>5 paragraph.</p> <p>6 MR. ZELLERS: Then I apologize,</p> <p>7 Mr. Meadows.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q I'll circle it in red. Do you disagree</p> <p>10 with anything in red there?</p> <p>11 A I do disagree with that statement.</p> <p>12 Q Okay.</p> <p>13 A Insomuch that it implies that there is</p> <p>14 proof that -- that particles travel from the</p> <p>15 perineum to the -- to the vagina and up to the</p> <p>16 ovaries.</p> <p>17 And qualify that because this paragraph</p> <p>18 has no references. I don't know the data that</p> <p>19 they evaluated to come to this conclusion. And</p> <p>20 furthermore, there are a lot of "potential" and</p> <p>21 "mays" and other wishy-washy words in that. And</p> <p>22 despite the word "indisputable," it's a pretty</p> <p>23 wishy-washy statement.</p> <p>24 Q You're saying the word "indisputable" is</p> <p>25 wishy-washy?</p>

<p style="text-align: right;">Page 218</p> <p>1 A I'm saying that "potential" is -- is not 2 forceful. "Plausible," again, I don't know what 3 they mean by the word "plausible" in that 4 sentence. And then "may elicit," again not 5 definitive, not conform -- confirmatory. There 6 are no studies that are cited. And "may 7 progress." I mean, again, not a supportive 8 statement, not a definitive statement, and 9 absolutely no literature citations to support 10 any of -- anything that's written in that 11 statement. 12 Q So you disagree with Health Canada. 13 Right? 14 A So again, it's not about agreeing or 15 disagreeing. I think they came to -- I came to my 16 conclusion, and I don't really understand what 17 they did. It was a different process to mine. 18 Q You disagree with Health Canada. You 19 disagree with the FDA. You disagree with Saed and 20 all the other scientists who wrote the Saed 21 article and who peer-reviewed the Saed article. 22 Right? 23 MR. LOCKE: Objection. 24 MR. ZELLERS: Objection. Misstates her 25 testimony, argumentative.</p>	<p style="text-align: right;">Page 220</p> <p>1 A Yes. Sorry. 2 Q Flip over to page -- I guess it's 122-S. 3 I'm not real sure how to read that. 4 A 122 -- 5 Q It's toward the back. 6 A Okay. I get it. They all have S's. 7 Okay. 8 Q Let me try to draw -- just put this up 9 here. 10 All right. I've highlighted a section 11 on here. 12 "As evidenced in this safety assessment, 13 numerous studies have been performed to 14 investigate whether or not a causative 15 relationship exists between the cosmetic use of 16 talc in the perineal area and ovarian cancer. A 17 panel reviewed these studies thoroughly and 18 determined they do not support a causal link. The 19 panel stated that causation would depend on the 20 migration of talc from the perineum to the 21 ovaries. There is no conclusive explanation for 22 the presence of talc in the ovaries reported in 23 some studies. However, the panel agreed that 24 there is no known physiological mechanism by which 25 talc can plausibly migrate from the perineum to</p>
<p style="text-align: right;">Page 219</p> <p>1 BY MR. MEADOWS: 2 Q Do you disagree with any of them? 3 A Okay. So again, it's about the science, 4 what -- and what was done. 5 Q Let's see if we can find something you 6 do agree with. 7 (Moore Exhibit No. 11 was marked 8 for identification.) 9 BY MR. MEADOWS: 10 Q I show you what I marked as Exhibit 11. 11 A Thank you. 12 Q Are you familiar with that document? 13 A I have seen this document. 14 Q In fact, you cite to it in your report, 15 don't you? 16 A Yes. 17 Q You don't know? 18 A I said I've seen it, yes. I didn't -- I 19 didn't know the question -- you said -- you asked 20 me if I was familiar with this document. I am 21 familiar with this document. 22 Q Yeah. 23 A That was the question. 24 Q And then I just asked you if you cited 25 to it in your report.</p>	<p style="text-align: right;">Page 221</p> <p>1 the ovaries." 2 Do you agree with that? 3 MR. ZELLERS: Objection. Form. 4 THE WITNESS: So do I agree with the 5 statement as you've read it or the statement in 6 general? 7 BY MR. MEADOWS: 8 Q The statement as I just read, do you 9 agree with that? 10 A So I guess I don't know what the panel 11 actually reviewed, but that -- this is consistent 12 with my opinion. 13 Q Okay. Now flipping over. It says: 14 "Finally, the panel warned that talc should not be 15 used on skin where the epidermal barrier is 16 removed or on skin that has greater than first 17 degree burns. Case reports were available in 18 which granulomas formed if talc was applied to 19 skin when the epidermal barrier was absent." 20 Did I read that correctly? 21 A Yes, you did. 22 Q Do you agree with that? 23 MR. ZELLERS: Objection. Form. 24 THE WITNESS: So I have not evaluated 25 the use of talc on skin where the epider- --</p>

<p style="text-align: right;">Page 222</p> <p>1 epidem- -- epidermal barrier has been removed. So</p> <p>2 I need -- in order to evaluate that statement, I</p> <p>3 would need to look to see what they evaluated in</p> <p>4 making that statement.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q So as a part of your assessment of the</p> <p>7 safety of talc, you've not looked at whether talc</p> <p>8 causes granulomas when applied to skin where the</p> <p>9 barrier is -- epidermal barrier is absent?</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: So I -- I need to see what</p> <p>12 the -- these are -- they're referencing case</p> <p>13 reports. In general, case reports are -- are --</p> <p>14 are -- how should I -- case reports need to be</p> <p>15 evaluated, and I have not evaluated case reports.</p> <p>16 I know that talc can cause granulomas, but I'm not</p> <p>17 familiar with, you know, when they break the --</p> <p>18 what -- what case reports they're talking about</p> <p>19 here, and what the dose was that was associated</p> <p>20 with these events.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q Do you agree with the statement I've</p> <p>23 underlined: "Talc should not be used on skin</p> <p>24 where the epidermal barrier is removed or on skin</p> <p>25 that has greater than first degree burns"?</p>	<p style="text-align: right;">Page 224</p> <p>1 A Talc is --</p> <p>2 MR. ZELLERS: Objection to form.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Is talc toxic?</p> <p>5 A It depends on the dose.</p> <p>6 Q Can talc cause granulomas?</p> <p>7 MR. ZELLERS: Objection. Form.</p> <p>8 THE WITNESS: So again, it depends on</p> <p>9 the dose, the route of administration. It depends</p> <p>10 on a lot of things. As a hazard assessment, so</p> <p>11 just an effect that it -- that it can or may</p> <p>12 cause, that's one hazard associated with talc.</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q Okay. So you'll agree that talc can</p> <p>15 cause granulomas.</p> <p>16 MR. ZELLERS: Objection. Form.</p> <p>17 THE WITNESS: Correct, I would agree.</p> <p>18 As long as the dose and the route of exposure are</p> <p>19 accounted for.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q And does it follow that if talc can</p> <p>22 cause granulomas, that if it's -- if talc is</p> <p>23 exposed to ovarian tissue, that it can also cause</p> <p>24 a foreign body reaction?</p> <p>25 A So again, this is a pretty -- a pretty</p>
<p style="text-align: right;">Page 223</p> <p>1 MR. ZELLERS: Object. Asked and</p> <p>2 answered.</p> <p>3 THE WITNESS: Again, I'd have to see the</p> <p>4 case reports --</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q I'm not asking about the case reports.</p> <p>7 I'm asking about this one statement. If I have to</p> <p>8 pull this away and write it out, I'll do that.</p> <p>9 But I'm just asking about this one</p> <p>10 statement. I'm not asking about the case report.</p> <p>11 I've underlined exactly what I'm asking you about.</p> <p>12 It's a concept: Talc should not be used on skin</p> <p>13 where the epidermal barrier is removed or on skin</p> <p>14 that has greater than first degree burns.</p> <p>15 Do you agree with that as a toxicologist</p> <p>16 or do you disagree with it?</p> <p>17 MR. ZELLERS: Objection. Form, asked</p> <p>18 and answered.</p> <p>19 THE WITNESS: Again, I would have to go</p> <p>20 back and look at the case reports that they're --</p> <p>21 that they're discussing here to understand what</p> <p>22 type of dose was associated with these case</p> <p>23 reports.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Is talc toxic?</p>	<p style="text-align: right;">Page 225</p> <p>1 general statement and very hypothetical. So if</p> <p>2 you want to talk about the studies, we can talk</p> <p>3 about the studies.</p> <p>4 Q No, I want you to answer my question.</p> <p>5 MR. ZELLERS: Objection. Form.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q If it's a hypothetical or not, I want --</p> <p>8 A Well, you're making an assumption that</p> <p>9 the talc actually makes it to the ovaries.</p> <p>10 Q There we go. That's what it all comes</p> <p>11 down to with you, right?</p> <p>12 MR. ZELLERS: Objection. Argumentative.</p> <p>13 BY MR. MEADOWS:</p> <p>14 Q It's all about whether the talc can make</p> <p>15 it to the ovaries, right?</p> <p>16 A No.</p> <p>17 Q So if talc is deposited on the ovary,</p> <p>18 does it have the potential to be toxic?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: Again, you'd have to look</p> <p>21 at the dose.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q Okay. At what level does talc become</p> <p>24 toxic on an ovary?</p> <p>25 MR. ZELLERS: Objection. Form,</p>

<p style="text-align: right;">Page 226</p> <p>1 foundation.</p> <p>2 THE WITNESS: Okay. That is a complete</p> <p>3 hypothetical.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q Okay. I'm asking you.</p> <p>6 MR. ZELLERS: Same objections.</p> <p>7 THE WITNESS: At the concentration -- so</p> <p>8 again, I'm unable to accept that assumption to</p> <p>9 answer that question.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q You cannot answer the question as to</p> <p>12 whether talc can be toxic to an ovary.</p> <p>13 MR. ZELLERS: Objection. Asked and</p> <p>14 answered.</p> <p>15 THE WITNESS: So I said it can be toxic</p> <p>16 if it reaches a dose that's associated with</p> <p>17 toxicity.</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Okay. So you would agree that talc can</p> <p>20 be toxic to the ovary.</p> <p>21 MR. ZELLERS: Objection.</p> <p>22 THE WITNESS: So what are you defining</p> <p>23 as "toxic"?</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Well, that's a term you use as a</p>	<p style="text-align: right;">Page 228</p> <p>1 Q Including talc on an ovary.</p> <p>2 MR. ZELLERS: Objection. Form.</p> <p>3 THE WITNESS: So every substance known</p> <p>4 to man is toxic given a high enough dose.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q But your position is that the ovary can</p> <p>7 never be exposed to a high enough level of talc in</p> <p>8 order to be toxic, right?</p> <p>9 MR. ZELLERS: Objection to form.</p> <p>10 THE WITNESS: That's not my opinion.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q It's not your opinion?</p> <p>13 A So your -- your question is very</p> <p>14 general. So I don't believe that perineal</p> <p>15 exposure is associated with ovarian exposure.</p> <p>16 Q Right. That -- that -- your position is</p> <p>17 that talc can never get there, right?</p> <p>18 MR. ZELLERS: Objection.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q It can never get to the ovary.</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 Misstates her testimony.</p> <p>23 THE WITNESS: So the scientific data do</p> <p>24 not show that talc applied perineal -- perineally</p> <p>25 can migrate to the ovaries.</p>
<p style="text-align: right;">Page 227</p> <p>1 toxicologist.</p> <p>2 A Right.</p> <p>3 Q So whatever you think "toxic" means.</p> <p>4 MR. ZELLERS: Okay. Objection. Vague.</p> <p>5 THE WITNESS: Okay. So -- so what was</p> <p>6 the -- what did you ask me?</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q You would agree with me that talc can be</p> <p>9 toxic to the ovary.</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: Well, again --</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Well, let me rephrase it again.</p> <p>14 Whatever you -- "toxic" is a term that you use as</p> <p>15 a toxicologist, right?</p> <p>16 A Correct. Yeah, it's --</p> <p>17 Q And that's part of the lingo.</p> <p>18 A Yes.</p> <p>19 Q Okay. So whatever your definition of</p> <p>20 "toxic" is as a toxicologist, the question is, can</p> <p>21 talc be toxic to the ovary?</p> <p>22 MR. ZELLERS: Objection. Form.</p> <p>23 THE WITNESS: So everything is toxic</p> <p>24 given enough dose.</p> <p>25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 229</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q And so that -- in that opinion, you</p> <p>3 disagree with the FDA. We've already established</p> <p>4 that, right?</p> <p>5 MR. ZELLERS: Objection. Asked and</p> <p>6 answered.</p> <p>7 THE WITNESS: So again, we can go back</p> <p>8 to the EPA document, and I can discuss --</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Well, I was on the FDA document.</p> <p>11 A Or, sorry, my fault. Yeah, yeah.</p> <p>12 Sorry. Go back to the FDA document and discuss</p> <p>13 that.</p> <p>14 Q Well, let me ask you this.</p> <p>15 (Counsel conferring.)</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q So when you say that, are you</p> <p>18 discounting the literature that is there that is</p> <p>19 evidence of talc migrating to the ovaries?</p> <p>20 And in particular, I'm referring to the</p> <p>21 ones I have on the screen here.</p> <p>22 "Cramer, 2007. Presence of talc in</p> <p>23 lymph nodes provides evidence that talc used</p> <p>24 externally is capable of migrating to the</p> <p>25 pelvis -- into the pelvis."</p>

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<p>1 "Langseth, 2008. Talc particles can 2 migrate from the vagina to the peritoneal cavity 3 and ovaries." 4 "Cramer, 2016. Biologic credibility of 5 the talc epithelial/ovarian cancer association is 6 enhanced by persuasive evidence that inert 7 particles the size of talc present in the vagina 8 can migrate to the upper genital tract." 9 "Schildkraut, 2016. Increased risk of 10 African-American women consistent with localized 11 chronic inflammation -- inflammation in the ovary due 12 to particulates that travel through a direct 13 transvaginal route." 14 And then McDonald, which -- 15 MR. MEADOWS: Have we already talked 16 about McDonald? 17 MS. TUCKER: No. 18 BY MR. MEADOWS: 19 Q Okay. We'll talk about McDonald in just 20 a minute. 21 So you disagree with those articles that 22 I just highlighted and put on the screen, right? 23 MR. ZELLERS: Objection. Form, 24 compound. 25 THE WITNESS: So those statements, I'm</p>	<p>1 doesn't have a period at the end. You know, 2 let's -- let's take out those articles, and we can 3 review those articles one by one. 4 Q Well, all right. So those articles are 5 not ones that are -- you're very familiar with 6 that you can -- you and I can talk about without 7 having the article right in front of us? 8 MR. ZELLERS: Objection. Form. 9 THE WITNESS: So I've read a lot of 10 articles, and just in order to be accurate here 11 today, I would like to look at the article. 12 You're pulling one sentence -- 13 BY MR. MEADOWS: 14 Q Let's take a look at McDonald. That's 15 the latest pronouncement on this. 16 (Moore Exhibit No. 12 was marked 17 for identification.) 18 BY MR. MEADOWS: 19 Q I handed you what I think is marked as 20 Exhibit 12. 21 A Yep. 22 Q So this is an article entitled 23 "Correlative Polarizing Light and the Scanning 24 Electron Microscope for the Assessment of Talc in 25 Pelvic Region Lymph Nodes."</p>
Page 231	Page 233
<p>1 not sure if they're accurate from those 2 publications or not without looking at the 3 publications. They're one sentence that's been 4 extracted potentially out of context, so I don't 5 know what context those sentences are from. It 6 could be potentially misleading. I -- I just -- I 7 can't comment on the -- on those -- on those 8 supposed quotations, unless we're going to look at 9 those articles individually. 10 BY MR. MEADOWS: 11 Q Well, assuming that I read them 12 correctly and I did not take them out of context, 13 do you agree with them? 14 MR. ZELLERS: Objection. Form. 15 THE WITNESS: So the scientific dataset 16 that I've evaluated does not show that there's 17 migration from the external perineal into the 18 ovary. 19 BY MR. MEADOWS: 20 Q Okay. So you just didn't review these 21 articles. 22 A That's not what I said. 23 Q Okay. Well -- 24 A Those are individual sentences that 25 could be taken out of context, and one of them</p>	<p>1 The first name is McDonald. It's Sandra 2 McDonald? 3 I'm -- I'm going to assume it's Yuwei 4 Fan, William Welch, Daniel Cramer, Rebecca 5 Stearns, Liam Sheedy, Marshall Katler, and John 6 Godleski. 7 Did I read that correctly? 8 A I believe so. 9 Q Do you know any of those folks? 10 A No, not -- not to my knowledge. 11 Q And this was published I guess in a 12 journal called Ultrasound Pathology. Are you 13 familiar with that -- 14 MR. ZELLERS: Objection -- 15 BY MR. MEADOWS: 16 Q -- journal? 17 MR. ZELLERS: -- form, foundation. 18 THE WITNESS: I don't know if I've ever 19 read an article out of Ultrasound Pathology 20 before, one way or another. 21 BY MR. MEADOWS: 22 Q Have any reason to believe that these -- 23 the authors of this article are unqualified or 24 incompetent? 25 MR. ZELLERS: Objection. Form.</p>

<p style="text-align: right;">Page 234</p> <p>1 Foundation.</p> <p>2 THE WITNESS: No, I do not.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Have you ever read this article?</p> <p>5 A No, I don't believe I have.</p> <p>6 Q Flip over to page 12.</p> <p>7 You'll see on the screen I've</p> <p>8 gone about, I don't know, maybe a quarter of the</p> <p>9 way down. The paragraph starts with "Talc."</p> <p>10 "Talc, when applied to the perineum, is</p> <p>11 believed to migrate to the upper genital tract,</p> <p>12 passing through the open tract to the fallopian</p> <p>13 tubes, and eventually reaching the ovaries."</p> <p>14 Go on down to the next paragraph. "This</p> <p>15 study supports earlier observations that talc</p> <p>16 particles from perineal exposure can and do</p> <p>17 migrate to the pelvic lymph nodes."</p> <p>18 Did I read that correctly?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: So you read that sentence</p> <p>21 correctly, but again, I haven't seen this article</p> <p>22 to understand its context.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q Go to the next page.</p> <p>25 A Hold on a second.</p>	<p style="text-align: right;">Page 236</p> <p>1 foundation.</p> <p>2 THE WITNESS: So --</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Do you disagree with those statements?</p> <p>5 MR. ZELLERS: Same objection. You've</p> <p>6 given her an article. You've isolated out a</p> <p>7 couple of sentences, and then asked her if she</p> <p>8 agrees or disagrees.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Do you disagree with those statements?</p> <p>11 A So my opinion is that -- that the</p> <p>12 evi- -- the scientific evidence did not support</p> <p>13 that talc migrates from the perineum to the</p> <p>14 ovary -- to the ovarian tissue.</p> <p>15 If you could put those quotations back</p> <p>16 on the screen for a second. Can I see them again,</p> <p>17 please? The ones you highlighted.</p> <p>18 Q Sure. You got the whole article right</p> <p>19 there.</p> <p>20 A Well, I didn't --</p> <p>21 Q Do you need a highlighter to highlight</p> <p>22 as I go? You can --</p> <p>23 A Can I --</p> <p>24 Q Sure.</p> <p>25 MR. ZELLERS: I don't want you to</p>
<p style="text-align: right;">Page 235</p> <p>1 Q I highlighted another sentence.</p> <p>2 A Okay.</p> <p>3 Q "This adds perspective to the known</p> <p>4 migratory capabilities and overall biologic</p> <p>5 role/impact of talc."</p> <p>6 Did I read that correctly?</p> <p>7 MR. ZELLERS: Objection. Form.</p> <p>8 THE WITNESS: Again, that is an</p> <p>9 individual sentence that you read correctly, but</p> <p>10 I'm unable to put it into context.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q Flip over to the second to last page.</p> <p>13 A Okay.</p> <p>14 Q "Exposure such as perineal application,</p> <p>15 whether known clinically or not, often results in</p> <p>16 significant deposition of talc in the tissues."</p> <p>17 Did I read that correctly?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 THE WITNESS: Again, you read this</p> <p>20 statement correctly, but I'm unable to put that</p> <p>21 into context in the article.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q You would disagree with those</p> <p>24 statements, right?</p> <p>25 MR. ZELLERS: Objection. Form,</p>	<p style="text-align: right;">Page 237</p> <p>1 highlight the court copy.</p> <p>2 THE WITNESS: Okay. Well, I just -- I</p> <p>3 just wanted to look at the -- I don't need to</p> <p>4 highlight it. I was -- I was going from memory.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q "Talc, when applied to the perineum, is</p> <p>7 believed to migrate to the upper genital tract,</p> <p>8 passing through the open tract to the fallopian</p> <p>9 tubes, and eventually reaching the ovaries."</p> <p>10 Do you agree with that statement?</p> <p>11 MR. ZELLERS: Objection. Form.</p> <p>12 THE WITNESS: So that statement, it's --</p> <p>13 is a hypothesis. It's believed. The references</p> <p>14 do not support that statement, and the scientific</p> <p>15 literature does not support that statement, and I</p> <p>16 do not support that statement.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Go on down. "This study supports</p> <p>19 earlier observations that talc particles from</p> <p>20 perineal exposure can and do migrate to pelvic</p> <p>21 lymph nodes."</p> <p>22 Did I -- do you agree with that</p> <p>23 statement?</p> <p>24 MR. ZELLERS: Same objection. Form.</p> <p>25 THE WITNESS: So again, it's one -- one</p>

<p style="text-align: right;">Page 238</p> <p>1 sentence. It's out of context. There are no 2 references for me to evaluate that -- that 3 reference. 4 BY MR. MEADOWS: 5 Q Next page. "This adds perspective to 6 the known migratory capabilities and overall 7 biological role/impact of talc." 8 Do you disagree with that statement? 9 MR. ZELLERS: Objection. Form, 10 foundation. 11 THE WITNESS: Well, again, this is one 12 sentence without references and without overall 13 context. I can't review why they put that in 14 there, but I do not -- well, the scientific 15 literature does not agree with that statement. 16 BY MR. MEADOWS: 17 Q Last one. "Exposure such as perineal 18 application, whether known clinically or not, 19 often results in significant deposition of talc in 20 the tissues." 21 Do you disagree with that statement? 22 MR. ZELLERS: Objection. Form. 23 THE WITNESS: So again, it's a -- one 24 sentence that's taken out of context with 25 absolutely no references, and it -- it does</p>	<p style="text-align: right;">Page 240</p> <p>1 sentences that were pulled out of their 2 publication. Again, I haven't had time to 3 review -- evaluate the context. 4 BY MR. MEADOWS: 5 Q At one point in your report you cite to 6 the NCI website in support of your opinions, 7 right? 8 A Let's look at the -- where in the report 9 that I had written that, please. Find that. 10 Q Page 18. 11 A Thank you. 12 Yes, I see that in my -- I have NCI in 13 my report. 14 Q And you consider the NCI website to be 15 medical or scientific literature? 16 A I consider it to be a -- a source of 17 information regarding cancer. 18 Q You cited to it in your report, right? 19 A I did. 20 Q Did -- did you look at their cites, 21 their references? 22 A I -- I probably did. I mean, I know I 23 did. I just can't recall them at this moment. 24 Q Did you look at what they've stated over 25 the years regarding talc use and ovarian cancer?</p>
<p style="text-align: right;">Page 239</p> <p>1 contradict what I observed when I evaluated the 2 scientific dataset, which does not support that 3 perineal exposure to talc -- that the talc can 4 migrate to the ovaries. 5 BY MR. MEADOWS: 6 Q So you disagree with McDonald, Fan, 7 Welch, Cramer, Stearns, Sheedy, Katler, Godleski, 8 all the authors of the Cramer 2000 study, all the 9 authors of the Langseth 2008 study, all the 10 authors of the Cramer 2016 study, all the authors 11 of the Schildkraut 2016 study, and all of those 12 who peer-reviewed these articles, and the FDA on 13 whether talc can migrate to the ovaries, right? 14 MR. LOCKE: Objection. 15 MR. ZELLERS: Objection. Form, 16 argumentative, compound. 17 THE WITNESS: So all of the statements 18 that you put up, the ones you put up previously, 19 Langseth -- and I can't remember all the others 20 that were up on the board -- those were individual 21 sentences that were pulled potentially out of 22 context. I'm unable to evaluate the context of 23 those and -- and whether or not those were 24 accurately represented. 25 Again, the McDonald were just certain</p>	<p style="text-align: right;">Page 241</p> <p>1 A I have not -- I can't remember if I did 2 that or not. 3 (Moore Exhibit No. 13 was marked 4 for identification.) 5 BY MR. MEADOWS: 6 Q I show you what's been marked as 7 Exhibit 13. 8 A Thank you. 9 Q Flip over to -- actually, this is a page 10 from the NCI website. This is what you were 11 citing to, right? 12 A I was citing to the NCI. 13 Q Yeah. 14 A I don't know that it's the same website 15 or not. 16 Q And the date on this is from 2014, so it 17 would have been a few years ago, right? 18 A It appears to be the case, yes. 19 Q Okay. So if you flip over, and it says, 20 "Talc." The NCI in 2014 said: "The use of talc 21 may increase the risk of ovarian cancer. Talcum 22 powder dusted on the perineum (the area between 23 the vagina and the anus) may reach ovaries by 24 entering the vagina." 25 Do you see that?</p>

<p style="text-align: right;">Page 242</p> <p>1 A You read that correctly.</p> <p>2 Q You read my mind.</p> <p>3 You disagree with that?</p> <p>4 MR. ZELLERS: Objection. Form.</p> <p>5 THE WITNESS: So the scientific dataset</p> <p>6 does not support that talcum powder dusted on the</p> <p>7 perineum reaches the ovaries.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q So you'd say the NCI got it wrong that</p> <p>10 time, right?</p> <p>11 MR. ZELLERS: Objection to form.</p> <p>12 THE WITNESS: So I don't know what the</p> <p>13 NCI did in their evaluation when they put that</p> <p>14 statement --</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Because you haven't looked at that, have</p> <p>17 you?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 THE WITNESS: So this is the first time</p> <p>20 that I've seen this document, so I'd have to</p> <p>21 research into this and look to see if -- how they</p> <p>22 evaluated that and whether or not there was any</p> <p>23 scientific basis behind that statement.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Now, we talked earlier about the CIR,</p>	<p style="text-align: right;">Page 244</p> <p>1 about us having talked about the CIR earlier is</p> <p>2 because you cite to it on page 18 of your report,</p> <p>3 second bullet point under the NCI.</p> <p>4 Do you see that?</p> <p>5 A I do see that.</p> <p>6 Q Got it on the screen there. Is it</p> <p>7 ringing a bell now, the CIR, Cosmetic Ingredient</p> <p>8 Review?</p> <p>9 A I do see that --</p> <p>10 Q C-I-R.</p> <p>11 A -- yes.</p> <p>12 Q Okay.</p> <p>13 A Yeah, sorry. I was referring to it in</p> <p>14 my head as Fiume.</p> <p>15 Q So you cited to the CIR as support for</p> <p>16 your opinions, right?</p> <p>17 A These were just examples of other</p> <p>18 opinions, yes.</p> <p>19 Q Mm-hmm.</p> <p>20 A They did not inform my opinions. The</p> <p>21 scientific dataset informed my opinions.</p> <p>22 Q Okay. So we don't -- how am I supposed</p> <p>23 to consider that in -- this whole section then?</p> <p>24 Is it not -- does not inform your opinions or form</p> <p>25 the basis of your opinions?</p>
<p style="text-align: right;">Page 243</p> <p>1 right?</p> <p>2 A Pardon? I don't -- the CIR?</p> <p>3 Q Yeah. You don't remember talking about</p> <p>4 that?</p> <p>5 MR. ZELLERS: Objection. Form, vague.</p> <p>6 THE WITNESS: So refresh me. I -- we've</p> <p>7 talked about a lot of things today.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Yeah. CIR is the one that says talc</p> <p>10 does not migrate, therefore it can't cause ovarian</p> <p>11 cancer, but make sure you don't put it on open</p> <p>12 wounds or first degree burns.</p> <p>13 Do you remember that document?</p> <p>14 MR. ZELLERS: Form.</p> <p>15 THE WITNESS: So again, those are some</p> <p>16 statements that were taken from the document.</p> <p>17 I -- that -- we -- we reviewed the document by</p> <p>18 Fume -- I don't know how to pronounce the name.</p> <p>19 Fume?</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Fume?</p> <p>22 A Fume.</p> <p>23 Q Yeah.</p> <p>24 A Thank you.</p> <p>25 Q Yeah. Well, the reason I asked you</p>	<p style="text-align: right;">Page 245</p> <p>1 A They do help to form the basis of</p> <p>2 opinions, yes.</p> <p>3 Q Okay. Well, the CIR, do you consider</p> <p>4 them to be a reliable source?</p> <p>5 A I consider all references, all</p> <p>6 scientific studies independently, and evaluate</p> <p>7 them.</p> <p>8 Q At the time you wrote this, you had</p> <p>9 Dr. Plunkett's report, right?</p> <p>10 A Yes, I did.</p> <p>11 Q And you read in Dr. Plunkett's report</p> <p>12 her assessment of CIR, didn't you?</p> <p>13 A I can't recall that -- that assessment.</p> <p>14 Q You don't recall what -- what she said</p> <p>15 about the CIR?</p> <p>16 A I would have to see that document in</p> <p>17 order to discuss that. There's been a lot of</p> <p>18 documents that I've read.</p> <p>19 Q Well, before criticizing her opinions,</p> <p>20 did you -- did you analyze her assessment of the</p> <p>21 CIR?</p> <p>22 MR. ZELLERS: Objection. Form.</p> <p>23 THE WITNESS: So I evaluated</p> <p>24 Dr. Plunkett's methodology.</p> <p>25 BY MR. MEADOWS:</p>

<p style="text-align: right;">Page 246</p> <p>1 Q Mm-hmm. Well, part of her methodology 2 was that she didn't find the CIR to be reliable. 3 Does that ring a bell with you? 4 MR. LOCKE: Objection. 5 MR. ZELLERS: Objection. Form. 6 THE WITNESS: Again, I'd have to see the 7 document in order to understand this discussion. 8 BY MR. MEADOWS: 9 Q Well, if you will remember, Dr. Plunkett 10 says that she's seen sworn testimony that supports 11 the idea and confirms the idea that the CIR is an 12 industry-funded group, cosmetic industry-funded 13 group. Were you aware of that? 14 MR. ZELLERS: Objection. Form, 15 foundation. 16 THE WITNESS: So again, I'd have to see 17 the document in order to comment on this. 18 BY MR. MEADOWS: 19 Q And that there are internal documents 20 that show that outside influences orchestrated the 21 drafting of the CIR report that we were looking at 22 earlier that you cite to here, did you see that in 23 her report? 24 MR. LOCKE: Objection. 25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 248</p> <p>1 BY MR. MEADOWS: 2 Q Okay. Well, you've seen the report, and 3 apparently it didn't -- her findings and -- and 4 the evidence that she cited to and was available 5 to you did not have any influence on you with 6 respect to CIR because you cite to them, right? 7 MR. ZELLERS: Objection. Form. 8 THE WITNESS: Again, I would want to see 9 her report in order to have this discussion. 10 MR. MEADOWS: I tell you what, let's 11 take a short break, and let me see if I can meet 12 with my colleagues and -- 13 MR. ZELLERS: Sure. Sounds good. 14 MR. MEADOWS: -- Whittle some things. 15 THE VIDEOGRAPHER: The time is 3:23 16 p.m., and we're going off the record. 17 (Recess.) 18 THE VIDEOGRAPHER: The time is 3:43 19 p.m., and we are back on the record. 20 BY MR. MEADOWS: 21 Q Dr. Moore, going back to your report, 22 the first page of your report, under "Asbestos." 23 Number 2, you state: "Scientific studies do not 24 support the theory that asbestos, as an alleged 25 contaminant in talc, causes ovarian cancer in</p>
<p style="text-align: right;">Page 247</p> <p>1 THE WITNESS: Again, I would want to see 2 her document, her report in order to discuss this 3 issue. 4 BY MR. MEADOWS: 5 Q And she also called into question the 6 expertise of the panel that -- that reviewed 7 the -- the data before writing the CIR report. 8 MR. ZELLERS: Same object -- 9 BY MR. MEADOWS: 10 Q Do you remember seeing that in her -- in 11 her report? 12 A Again -- 13 MR. ZELLERS: Same object -- hold on, 14 please. Same objection. 15 MR. LOCKE: Objection. 16 THE WITNESS: Again, I would want to see 17 her report in order to have this discussion. 18 BY MR. MEADOWS: 19 Q And she also called into question the 20 whole review process of the CIR and -- and 21 questioned how robust it actually is. Do you 22 remember seeing that in Dr. Plunkett's report? 23 MR. ZELLERS: Objection. Form. 24 THE WITNESS: Again, I want to see the 25 report in order to have this discussion.</p>	<p style="text-align: right;">Page 249</p> <p>1 women." 2 Did I read that correctly? 3 A You did read that correctly, yes. 4 Q Do you stand by that today? 5 A I do. 6 (Moore Exhibit No. 14 was marked 7 for identification.) 8 BY MR. MEADOWS: 9 Q I hand you what I marked as Exhibit 14. 10 Do you recognize that document? 11 A I do. 12 Q It's the IARC report, correct, on 13 asbestos? 14 MR. ZELLERS: Objection. Form. Vague. 15 THE WITNESS: Okay. So maybe the 16 complete citation. 17 BY MR. MEADOWS: 18 Q I'm sorry? 19 A So, sorry, so this is the IARC version 20 what, just so it's clear? 21 Q Yeah, you tell me, what is it? You're 22 familiar with IARC, right? 23 A I am. 24 Q Okay. 25 A But this is an excerpt out of 100C, I</p>

<p style="text-align: right;">Page 250</p> <p>1 believe.</p> <p>2 Q Correct. IARC Monograph 100C. I think</p> <p>3 it's -- it's on at least every other page in the</p> <p>4 document --</p> <p>5 A Okay, I see it.</p> <p>6 Q -- in the left-hand corner. Yeah.</p> <p>7 A Yeah.</p> <p>8 Q Okay. If you will join me in turning</p> <p>9 over to page 256.</p> <p>10 Look in the right-hand column, I've</p> <p>11 highlighted paragraph -- a portion of a paragraph</p> <p>12 in the right-hand column. I'll read it aloud.</p> <p>13 "The working group noted that a causal</p> <p>14 association between exposure to asbestos and</p> <p>15 cancer of the ovary was clearly established based</p> <p>16 on fine -- five strongly positive cohort mortality</p> <p>17 studies of women with heavy occupational exposure</p> <p>18 to asbestos."</p> <p>19 Did I read that correctly?</p> <p>20 A You did read that correctly.</p> <p>21 Q And that would be contrary to what your</p> <p>22 statement says, right?</p> <p>23 MR. ZELLERS: Objection. Form.</p> <p>24 THE WITNESS: That's not what my</p> <p>25 statement says.</p>	<p style="text-align: right;">Page 252</p> <p>1 "Asbestos causes mesothelioma" -- excuse me --</p> <p>2 "mesothelioma and cancer of the lung, larynx and</p> <p>3 ovary."</p> <p>4 Did I read that correctly?</p> <p>5 MR. LOCKE: Objection.</p> <p>6 MR. ZELLERS: Same objection. Form.</p> <p>7 THE WITNESS: So you read that statement</p> <p>8 correctly.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Do you agree with that statement?</p> <p>11 MR. ZELLERS: Objection. Form.</p> <p>12 THE WITNESS: So again, the -- there's</p> <p>13 association between heavily exposed occupational</p> <p>14 cohorts and ovarian cancer.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q This says asbestos causes cancer of the</p> <p>17 ovary. Do you agree with that?</p> <p>18 MR. LOCKE: Objection.</p> <p>19 MR. ZELLERS: Objection. Form, asked</p> <p>20 and answered.</p> <p>21 THE WITNESS: Okay. So what I said was</p> <p>22 that there's an association that's been drawn</p> <p>23 between asbestos exposure and heavily exposed</p> <p>24 occupational cohorts and ovarian cancer.</p> <p>25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 251</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q Well, your statement says: "Scientific</p> <p>3 studies do not support the theory that asbestos,</p> <p>4 as an alleged contaminant in talc, causes ovarian</p> <p>5 cancer in women."</p> <p>6 Did I read that correctly?</p> <p>7 A You did.</p> <p>8 Q Well, do you agree with what's</p> <p>9 highlighted on the screen?</p> <p>10 A So I agree that there was an observed</p> <p>11 association between heavily exposed cohorts and</p> <p>12 ovarian cancer.</p> <p>13 Q Well, to be clear, it says: "The</p> <p>14 working group noted a causal association between</p> <p>15 exposure to asbestos and cancer of the ovary was</p> <p>16 clearly established."</p> <p>17 Did I read that correctly?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 MR. LOCKE: Objection.</p> <p>20 THE WITNESS: So you read that statement</p> <p>21 correctly.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q If you flip over to page 294, under the</p> <p>24 "Evaluation" section on the right, I've</p> <p>25 highlighted a portion of the paragraph that says:</p>	<p style="text-align: right;">Page 253</p> <p>1 Q Earlier we were having an exchange --</p> <p>2 and if we need to go back to the transcript to</p> <p>3 find it, we can -- but I was asking you about</p> <p>4 asbestos testing, and you said that "They are in</p> <p>5 the materials I received," and I think you were</p> <p>6 saying that they -- that you had produced some</p> <p>7 asbestos testing materials to us that you had</p> <p>8 considered in your -- in reaching your conclusion;</p> <p>9 is that correct?</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 THE WITNESS: So I don't know that I --</p> <p>12 I -- so I received them. I don't know if I read</p> <p>13 every document, but I received those as part of</p> <p>14 the materials --</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Where are those identified on your</p> <p>17 reliance list?</p> <p>18 A Those are in my report.</p> <p>19 MR. ZELLERS: He asked about your</p> <p>20 reliance list.</p> <p>21 THE WITNESS: Oh, the reliance list?</p> <p>22 MR. ZELLERS: But if it's easier to do</p> <p>23 it from your report, whichever is easier.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q I think it may be --</p>

<p style="text-align: right;">Page 254</p> <p>1 A I can do it on the reliance list, that's 2 fine. 3 Q It may be referenced in your report on 4 page 5 through 7. 5 A Well, I'm -- either way. I have my 6 reliance list right here. It's right on top. 7 Well, it's long. I'll just do my 8 report. How's that? 9 So the question was where in this 10 list -- 11 Q We're trying -- we're trying to find 12 where they are. I mean we're trying -- I don't 13 think we've received those. 14 A So those were the Cook documents that 15 were cited in the Cook report from Johnson & 16 Johnson documents and Imerys documents, and then 17 the Krekeler documents cited in the report, the 18 Johnson & Johnson documents, and the Krekeler 19 documents cited in report, the Imerys documents. 20 Q Tell you what, let's -- let me just 21 highlight this as we go -- 22 A Okay. 23 Q -- so we're on the same page. If you 24 don't mind starting over so I can -- 25 A Oh, sorry. Sorry. Okay, ready?</p>	<p style="text-align: right;">Page 256</p> <p>1 MR. ZELLERS: You did a good job. 2 MR. MEADOWS: Taking orders from my 3 boss. 4 BY MR. MEADOWS: 5 Q All right. Sticking with your report, I 6 want to flip over to page 38. 7 Actually, we've already covered that. 8 Flip over to page 40. 9 And the first paragraph is where I am. 10 A Okay. 11 Q And actually, I think it's the third 12 sentence is where I'm going to start from. 13 You wrote: "Some studies showing 14 increased mesothelioma rates in humans 15 occupationally exposed to high levels of asbestos 16 also observe statistically significant but much 17 lesser increases in ovarian cancer rates. It 18 follows then that if ovarian cancer is associated 19 with asbestos exposure, levels that are not 20 associated with mesothelioma will also not cause 21 ovarian cancer." 22 Did I read that correctly? 23 A I believe that was read correctly. 24 Q Okay. So my question is -- questions, 25 what do you mean by high level of asbesto- --</p>
<p style="text-align: right;">Page 255</p> <p>1 Q Yes. 2 A Okay. So the Cook -- 3 MR. ZELLERS: So what page are you on in 4 the report? 5 BY MR. MEADOWS: 6 Q This is page 6. I think you're on 7 page 6, aren't you? 8 A Sorry. Yes, I am on page 6. 9 Q Okay. All right. 10 A Okay. So like two-thirds of the way 11 down maybe, "Cook documents cited in report - 12 Johnson & Johnson." 13 Q Okay. I highlighted that on the screen. 14 A Then "Cook documents cited in report - 15 Imerys." 16 Q Okay. 17 A "Krekeler documents cited in report - 18 Johnson & Johnson." 19 Q Okay. 20 A And "Krekeler documents cited in report 21 - Imerys." 22 Q Okay. 23 A And "Crowley documents cited in report - 24 Imerys and Johnson & Johnson." 25 Q Okay.</p>	<p style="text-align: right;">Page 257</p> <p>1 asbestos? 2 A Okay. So let me just back up and say, 3 to put this into context, you missed the first 4 sentence, which is "Dose-response is the key 5 metric for evaluating these type of results." 6 And your question was, What was meant by 7 high levels of asbestos? 8 Q Mm-hmm. 9 A All right. So those are high levels of 10 asbestos that are associated with mesothelioma 11 development in those populations, as I define in 12 my report. We can go through each study. 13 Q So you've defined "high level" in your 14 report, is that what you're saying? 15 A So I'm just saying that -- it's a term 16 that I used to describe the studies that are 17 listed in this section. 18 Q So I guess what I want to make sure I 19 understand is, is when I go back and read this 20 again later, I understand what you mean when you 21 say "high levels." 22 Is it -- can you point me to something 23 or can you quantify that for me or can you point 24 to something that helps me understand what you 25 mean by "high levels."</p>

<p style="text-align: right;">Page 258</p> <p>1 A So "high levels" are -- at the end of 2 the page there before the footnote starts. So, 3 for example, "Asbestos cement workers, the 1971 4 average concentrations measured in the mixing and 5 production areas of the asbestos cement plant were 6 303.8 and 13.5 fibers per cc, respectively." 7 Q Okay. Continuing on in the same 8 paragraph we just read, I have a few more 9 questions. 10 Down here at the bottom: "If ovarian 11 cancer is associated with asbestos exposure, 12 levels that are not associated with mesothelioma 13 will also not cause ovarian cancer." 14 What's your basis for that statement? 15 A So the basis is risk levels. 16 Q Okay. Well, can you point to any 17 peer-reviewed publications that support that 18 statement? 19 A So this is an analysis of peer-reviewed 20 publications. 21 Q Okay. Well, which peer-reviewed 22 publications support that statement? 23 A So the peer-reviewed publications that 24 are listed in this report. 25 Q Okay. Can you tell me which ones they</p>	<p style="text-align: right;">Page 260</p> <p>1 A Well, again, it's general toxicology 2 practice to assess risk. 3 Q And I'm trying again -- I mean, I -- I'm 4 trying to understand here, but I -- I have not 5 heard you give me a single peer-reviewed published 6 article that -- that supports that statement. I 7 have no idea what you are using to support that 8 statement. 9 A It's a general toxicology principle. 10 So, for example, if you're looking at a 11 carcinogenicity study and you see tumors in one or 12 any effect, any kind of adverse effect in one 13 organ system, say at 10 milligrams per cubic -- or 14 10 milligrams per kilogram dose, and then you see 15 another organ system that's affected at 100 16 milligrams per kilogram as well as that one, the 17 organ system that is affected -- that's uniquely 18 affected at the lower dose becomes the more 19 sensitive endpoint. 20 Q And where does that come from? What -- 21 what peer-reviewed public -- publication says 22 that? 23 A That's general toxicology information. 24 Q I understand that's Moore on toxicology, 25 but I need to know about peer-reviewed</p>
<p style="text-align: right;">Page 259</p> <p>1 are? 2 A So the report demonstrates that the risk 3 of mesothelioma exceeds the -- is more sensitive 4 than the risk of ovarian cancer in those 5 populations. 6 Q Okay. Can you point to one peer- 7 reviewed publication that supports that statement? 8 MR. ZELLERS: Objection. Form. 9 THE WITNESS: So again, I think if you 10 evaluate each of these publications, you can see 11 that the risk of mesothelioma is more sensitive 12 than the risk of ovarian cancer. 13 BY MR. MEADOWS: 14 Q How many peer-reviewed publications are 15 there that support that statement? 16 A So this was an analysis that I did based 17 on the dataset that was available. 18 Q Are you able to give me a list of the 19 peer-reviewed publications that exist that support 20 that statement? 21 A So again, it's an analysis of the 22 toxicology dataset that's available, evaluating 23 each study and synthesizing that information. 24 Q You're not able to tell me one study 25 that supports that statement.</p>	<p style="text-align: right;">Page 261</p> <p>1 publications that support that statement. 2 MR. ZELLERS: Objection. Form. 3 THE WITNESS: Sorry, I missed the -- the 4 word that -- that you qualified toxicology with. 5 BY MR. MEADOWS: 6 Q Well, what I heard was Moore on 7 toxicology and asbestos. I want to hear -- you 8 haven't published on that, have you? 9 A So that is -- 10 MR. LOCKE: Objection. 11 THE WITNESS: -- a general toxicology 12 principle that is applied in all toxicology 13 studies. So in a toxicology assessment in a 14 carcinogenicity study, that would be a conclusion 15 that I would have made at a study report. 16 BY MR. MEADOWS: 17 Q You're not going to tell me of a 18 publication that supports that statement, are you? 19 MR. ZELLERS: Objection. Form, asked 20 and answered. 21 THE WITNESS: I cannot think of one off 22 the top of my head. I can get back to you. 23 BY MR. MEADOWS: 24 Q Okay. All right. So next one. We'll 25 go on down, page 43. If I can find it.</p>

<p style="text-align: right;">Page 262</p> <p>1 All right, I think I found it.</p> <p>2 Now I'm lost again.</p> <p>3 "Assuming that the asbestos fibers were</p> <p>4 present at the maximum concentration alleged by</p> <p>5 Drs. Longo and Rigler."</p> <p>6 Do you see that phrase that you wrote?</p> <p>7 A I do see that section.</p> <p>8 Q What level are you referring to?</p> <p>9 A So that level is a -- is the number --</p> <p>10 the maximum number of structures that Drs. Longo</p> <p>11 and Rigler identified in their report in a bottle</p> <p>12 of Johnson's Baby Powder or Shower to Shower.</p> <p>13 Q Now, are you referring to exposure by</p> <p>14 inhalation here?</p> <p>15 A So -- so -- so in that sentence?</p> <p>16 Q Well, in that -- that whole section.</p> <p>17 A This whole section?</p> <p>18 Q Yes.</p> <p>19 A Yes, that is inhalation exposure.</p> <p>20 Q How about genital application?</p> <p>21 A That was not considered. This was in</p> <p>22 comparison to the heavily exposed studies that</p> <p>23 were identified.</p> <p>24 Q Okay. So you're not considering</p> <p>25 genital -- genital application here.</p>	<p style="text-align: right;">Page 264</p> <p>1 in the MDL?</p> <p>2 MR. ZELLERS: Same objection. Form,</p> <p>3 foundation.</p> <p>4 THE WITNESS: Again, I don't know the --</p> <p>5 the plaintiffs' frequency in this, but I can talk</p> <p>6 about what the case-control and cohort studies --</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q What's your understanding of the</p> <p>9 duration of the exposure of the plaintiffs in the</p> <p>10 MDL?</p> <p>11 MR. ZELLERS: Objection. Form,</p> <p>12 foundation.</p> <p>13 THE WITNESS: Again, I don't know the</p> <p>14 plaintiffs in this case. I'm just evaluating what</p> <p>15 the scientific dataset is.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q And what's your understanding of the</p> <p>18 amount used per application by the plaintiffs in</p> <p>19 the MDL?</p> <p>20 MR. ZELLERS: Same objections.</p> <p>21 THE WITNESS: Again -- well, I don't</p> <p>22 think I've said there before, but dose is -- I --</p> <p>23 I don't know the plaintiffs. I don't know what</p> <p>24 the -- I don't --</p> <p>25 BY MR. MEADOWS:</p>
<p style="text-align: right;">Page 263</p> <p>1 MR. ZELLERS: Objection. Form.</p> <p>2 THE WITNESS: So -- so this was a</p> <p>3 comparison to the heavily exposed occupational</p> <p>4 cohorts.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Yeah. So typically don't have much</p> <p>7 genital application in the occupational setting,</p> <p>8 do you?</p> <p>9 A Presumably not, but you can't -- can't</p> <p>10 discount that.</p> <p>11 Q Well, are you considering that in --</p> <p>12 that there is a genital application here?</p> <p>13 A So this is an exercise of inhalation</p> <p>14 exposure.</p> <p>15 Q What's your understanding of the</p> <p>16 exposures of the plaintiffs involved in this</p> <p>17 litigation in the MDL?</p> <p>18 A That it's --</p> <p>19 MR. ZELLERS: Hold on. Form, foundation</p> <p>20 objection.</p> <p>21 Go ahead.</p> <p>22 THE WITNESS: Perineal.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q And what's your understanding of the</p> <p>25 frequency of the -- any exposure of the plaintiffs</p>	<p style="text-align: right;">Page 265</p> <p>1 Q You don't know.</p> <p>2 A The dose --</p> <p>3 Q You don't have any --</p> <p>4 A The dose is -- is a shortcoming of a lot</p> <p>5 of the -- or all of the case-control and cohort</p> <p>6 studies.</p> <p>7 Q Okay. Well, that's not what I asked</p> <p>8 you. What's your understanding of the amount used</p> <p>9 per application by the plaintiffs in the MDL?</p> <p>10 MR. ZELLERS: Objection. Form.</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q Do you have an understanding --</p> <p>13 A There's --</p> <p>14 Q -- of the amount used per application by</p> <p>15 the plaintiffs in the MDL?</p> <p>16 A My analysis was a scientific analysis of</p> <p>17 the dataset for -- in between talc and the</p> <p>18 possible cause with ovarian cancer.</p> <p>19 Q Yeah, that's not what I asked you. I'll</p> <p>20 try it one more time.</p> <p>21 What's your understanding of the amount</p> <p>22 used per application of the plaintiffs in the MDL?</p> <p>23 MR. ZELLERS: Objection. Form.</p> <p>24 THE WITNESS: Again, my analysis was of</p> <p>25 the scientific dataset that exists today regarding</p>

<p style="text-align: right;">Page 266</p> <p>1 the relationship between perineal use and ovarian 2 cancer.</p> <p>3 MR. MEADOWS: Move to strike, 4 nonresponsive.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q All right. Going on down. 7 "The OSHA permissible exposure limit, 8 PEL, for asbestos fibers is more than 4,000 times 9 higher than alleged asbestos exposure from talc." 10 Did I read that correctly? 11 MR. MORIARTY: What page is that? 12 MR. MEADOWS: Same page, 43. 13 THE WITNESS: Yes, you read that 14 correctly. 15 BY MR. MEADOWS:</p> <p>16 Q What alleged exposure are you referring 17 to? 18 A The exposure that -- that occurs 19 assuming the maximum concentration that Drs. Longo 20 and Rigler found in any of the analysis of bottles 21 of Johnson's Baby Powder and Shower to Shower upon 22 using that with the exposure assumptions that I -- 23 that I made on the subsequent pages. 24 Q Is it your opinion that OSHA says 25 there's a safe level of asbestos exposure?</p>	<p style="text-align: right;">Page 268</p> <p>1 Q Dr. Moore, are you familiar with this 2 document? 3 A It appears to be a website from OSHA. 4 Q Okay. And in this document, if you go 5 down, you'll see it's entitled "Asbestos" and 6 talks about what asbestos is. 7 If you go down, "What can be done to 8 reduce hazards of asbesto- -- asbestos?" 9 Look right here that I highlighted 10 already. It says: "There is no safe level of 11 asbestos exposure for any type of asbestos fiber." 12 Did I read that correctly? 13 A You did read that correctly. 14 Q Do you agree with that? 15 MR. ZELLERS: Objection. Form. 16 THE WITNESS: So, I do not agree with 17 that. 18 There are background levels of asbestos 19 everywhere that we're all being exposed to. 20 (Moore Exhibit No. 16 was marked 21 for identification.) 22 BY MR. MEADOWS: 23 Q I show you what's been marked as 24 Plaintiffs' 16. 25 A Thank you.</p>
<p style="text-align: right;">Page 267</p> <p>1 MR. ZELLERS: Objection. Form. 2 THE WITNESS: So OSHA has set the 3 permissible exposure limit, the PEL, to be 4 protective of workers. 5 BY MR. MEADOWS: 6 Q So you're saying that OSHA has said 7 there's a safe level of asbestos exposure? 8 MR. ZELLERS: Objection. Form. 9 THE WITNESS: I'm saying that at that 10 level, there's been no associations with increased 11 disease. 12 BY MR. MEADOWS: 13 Q What level is that? 14 A 0.1 structures per cc as an eight-hour 15 time-weighted average. 16 (Moore Exhibit No. 15 was marked 17 for identification.) 18 BY MR. MEADOWS: 19 Q I show you what has been marked as -- 20 what? 21 MR. ZELLERS: Do you have copies? Oh, 22 okay. Sorry. That's okay. 23 15, Counsel? 24 MR. MEADOWS: P-15. 25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 269</p> <p>1 Q Are you familiar with that document? 2 A I don't know if I've seen this before or 3 not. 4 Q Okay. Are you familiar with NIOSH? 5 A I do know what NIOSH is. 6 Q Okay. What does it stand for? 7 A So National Institute of Occupational 8 Safety and Health. 9 Q So this is a NIOSH note, right? 10 MR. ZELLERS: Objection. Form, 11 foundation. 12 THE WITNESS: That's what the document 13 title is. 14 BY MR. MEADOWS: 15 Q Okay. Let's just read what's 16 highlighted here. 17 "Findings of joint NIOSH/OSHA work group 18 concerning health effects of asbestos. At a news 19 briefing in Washington on April 17, 1980, the 20 findings of a joint NIOSH/OSHA work group were 21 announced concerning the group's review of recent 22 scientific information about the health effects of 23 asbestos. Present for the briefing were 24 Dr. Anthony Robbins, Director of HEW's National 25 Institute for Occupational Safety and Health."</p>

<p style="text-align: right;">Page 270</p> <p>1 And there are others who were present as 2 well. If you go down it says what doctor wrote -- 3 Dr. Robbins said the group had confirmed, and it 4 says: "They confirmed there is no safe exposure 5 limit for asbestos." 6 Did I read that correctly? 7 A You did read that correctly. 8 Q And if you go over to the right, I've 9 got more highlights over here. 10 It says: "The group reconfirmed that 11 there is no safe exposure level for asbestos. 12 Although the data suggests that lower exposure 13 results -- lower exposures result in a lower risk 14 of developing cancer, there is no known level 15 below which asbestos-related disease do not 16 occur." 17 Did I read that correctly? 18 A You did read that correctly. 19 Q Do you agree or disagree with the 20 statements that I just read? 21 MR. ZELLERS: Objection. Form. 22 THE WITNESS: So this is 1980. I point 23 that out and -- 24 BY MR. MEADOWS: 25 Q And that's significant why?</p>	<p style="text-align: right;">Page 272</p> <p>1 testified she hadn't seen this before. 2 THE WITNESS: As I say, it's 1980. I 3 don't -- I'd have to read the context behind all 4 the statements and what was the state of the 5 science at that time. 6 BY MR. MEADOWS: 7 Q So you disagree with OSHA and NIOSH, at 8 least according to what they said in 1980. Right? 9 MR. ZELLERS: Objection. 10 MR. LOCKE: Objection. 11 MR. ZELLERS: Form. Misstates the 12 evidence. 13 BY MR. MEADOWS: 14 Q Is that right? 15 A Is there a question pending? I missed 16 it. 17 Q I'm just asking you. I mean, I -- you 18 disagree with OSHA and NIOSH in what they stated 19 in 1980, right? 20 MR. ZELLERS: Objection. Form. 21 Misstates the evidence. 22 THE WITNESS: So I agree there's a 23 threshold for asbestos-related disease. 24 BY MR. MEADOWS: 25 Q Okay. So you disagree with OSHA, NIOSH,</p>
<p style="text-align: right;">Page 271</p> <p>1 A It was a long time ago. 2 Q Yeah. 3 A Yeah. So science evolves every year. 4 I -- scientific datasets, first of all, cannot 5 prove a negative, so you can't prove that exposure 6 doesn't cause a disease. You can only observe -- 7 make observations. 8 There are ambient asbestos exposures 9 that everyone is exposed to on a daily basis, 10 without disease occurring. There's thresholds for 11 exposures. There's thresholds for -- there's 12 thresholds for exposures that generate responses. 13 So, and NIOSH is a regulatory 14 organization that's charged with protecting the 15 public. So -- so I -- and I believe there is a 16 threshold for disease with asbestos. 17 Q What's that based on? What's your 18 belief based on? 19 A The belief is based on -- on no -- no 20 increased rates of disease with the occupational 21 exposure limit of 0.1 structures per cc. 22 Q And what -- do you just think that in 23 1980 they just didn't get it? Is that why you 24 reference the fact that it's from 1980? 25 MR. ZELLERS: Objection. Form. She</p>	<p style="text-align: right;">Page 273</p> <p>1 you disagree with Health Canada, you disagree with 2 FDA, you disagree with a host of experts who have 3 written and been published on the subject of talc 4 and ovarian cancer. 5 Is there anybody that you do agree with? 6 MR. ZELLERS: Objection. Form. 7 BY MR. MEADOWS: 8 Q Who says that talc is related to ovarian 9 cancer? 10 MR. ZELLERS: Objection. Form, 11 argumentative, misstates the evidence. 12 THE WITNESS: My task in this -- in this 13 work was to do an independent evaluation of the 14 scientific dataset to evaluate the relationship 15 between talc and ovarian cancer. And in doing so, 16 I concluded that the scientific data does not 17 support a causal relationship between the perineal 18 use of talc and ovarian cancer. 19 BY MR. MEADOWS: 20 Q Right. You disagree with OSHA, NIOSH, 21 FDA, Health Canada, and a laundry list of people 22 who published on this topic. Right? 23 MR. ZELLERS: Objection. 24 MR. LOCKE: Objection. 25 MR. ZELLERS: Asked and answered,</p>

<p style="text-align: right;">Page 274</p> <p>1 argumentative.</p> <p>2 THE WITNESS: Again, that's not what I</p> <p>3 said. I said my -- my task was to do an</p> <p>4 independent evaluation of the scientific dataset.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Okay. Going back to page 43.</p> <p>7 Next bullet point: "The lowest</p> <p>8 cumulative tremolite asbestos concentration</p> <p>9 associated with mesothelioma is more than 29,000</p> <p>10 times higher than alleged asbestos exposure from</p> <p>11 talc."</p> <p>12 Did I read that correctly?</p> <p>13 A Yes, you did.</p> <p>14 Q What's your citation for that statement?</p> <p>15 A So the citation -- there's multiple</p> <p>16 citations, but it's the analysis that's contained</p> <p>17 in the subsequent pages of my report.</p> <p>18 Q You can't point me to a citation or two</p> <p>19 or three that supports that statement?</p> <p>20 A So, I mean the -- the anal- -- we can go</p> <p>21 through the analysis and go through each of the --</p> <p>22 Q I'm not asking for your analysis. I'm</p> <p>23 asking for you to give me a citation that supports</p> <p>24 that statement. Can you give me one?</p> <p>25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 276</p> <p>1 Mr. Meadows --</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q I'm not asking for that. I'm not asking</p> <p>4 for you to go through your statement.</p> <p>5 MR. ZELLERS: You are asking.</p> <p>6 BY MR. MEADOWS:</p> <p>7 Q I'm asking you just to give me one --</p> <p>8 one citation.</p> <p>9 MR. MEADOWS: And she can't seem to do</p> <p>10 it.</p> <p>11 MR. ZELLERS: It's --</p> <p>12 MR. MEADOWS: All right. We'll move on.</p> <p>13 MR. ZELLERS: Okay.</p> <p>14 BY MR. MEADOWS:</p> <p>15 Q Now, with respect to this statement,</p> <p>16 what are you referring to in terms of talc</p> <p>17 exposure?</p> <p>18 A I flipped my page. Sorry. What page</p> <p>19 are we on?</p> <p>20 Q Same bullet point.</p> <p>21 MR. ZELLERS: 43.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q 43.</p> <p>24 A So the alleged asbestos exposure is</p> <p>25 again based on the highest concentration of</p>
<p style="text-align: right;">Page 275</p> <p>1 Go through your report and do it.</p> <p>2 THE WITNESS: Okay.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q I'm not asking you to go through your</p> <p>5 report. I'm asking you to tell me, do you have a</p> <p>6 citation for that particular bullet point?</p> <p>7 A So there's --</p> <p>8 Q I don't see one. Do you have one?</p> <p>9 A So there's many citations in the report,</p> <p>10 and you have to go through them all in order to</p> <p>11 get to that --</p> <p>12 Q Okay. So --</p> <p>13 A That's -- that's a conclusion that's</p> <p>14 reached through -- through the next subsequent</p> <p>15 pages.</p> <p>16 Q Okay. So if we look through your report</p> <p>17 and the next subsequent pages, we will find a</p> <p>18 citation that supports that statement. Is that</p> <p>19 what you're saying?</p> <p>20 A You will find multiple citations that --</p> <p>21 that support the basis of that statement.</p> <p>22 Q You just can't tell me off the top of</p> <p>23 your head one that supports that statement.</p> <p>24 MR. ZELLERS: Objection. Form.</p> <p>25 Please do take the time and give</p>	<p style="text-align: right;">Page 277</p> <p>1 structures that were identified in any one bottle</p> <p>2 of baby powder from Dr. Longo and Rigler's expert</p> <p>3 report. And those were converted into airborne</p> <p>4 concentrations.</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Okay. So you're talking in terms of</p> <p>7 inhalation here, right?</p> <p>8 A This analysis is in terms of inhalation.</p> <p>9 Q You're not talking in terms of perineal</p> <p>10 application here, are you?</p> <p>11 A This analysis was inhalation in order to</p> <p>12 compare it to the heavily exposed cohorts that had</p> <p>13 observed an association with ovarian cancer.</p> <p>14 Q Okay. All right. Let's go to page 45.</p> <p>15 And there's a section there at the</p> <p>16 bottom: "Converting Dr. Longo and Rigler's bulk</p> <p>17 measurements to airborne concentrations."</p> <p>18 Did I read that correctly?</p> <p>19 A Yes, sir, you did.</p> <p>20 Q And what was your purpose in evaluating</p> <p>21 air -- airborne exposure?</p> <p>22 A It's to understand the concentration of</p> <p>23 asbestos that could allegedly be in the air,</p> <p>24 assuming the -- the largest number of structures</p> <p>25 that were reported by Dr. -- Drs. Longo and</p>

<p style="text-align: right;">Page 278</p> <p>1 Rigler.</p> <p>2 Q And when did you undertake the</p> <p>3 calculations that are found in here?</p> <p>4 A During the time I wrote my report.</p> <p>5 Q Did anybody assist you in that regard?</p> <p>6 A I did the calculations; other people</p> <p>7 reviewed them.</p> <p>8 Q Who did the reviewing?</p> <p>9 A I don't recall. I know Dr. Robbins, an</p> <p>10 industrial hygienist, reviewed them as well.</p> <p>11 Q Dr. Robbins works at Veritox?</p> <p>12 A Yes.</p> <p>13 Q Again, did you mention him as somebody</p> <p>14 who's been billing for this?</p> <p>15 A No, I had forgotten that those are the</p> <p>16 only section that they looked at.</p> <p>17 Q And what Dr. Robbins -- how long has he</p> <p>18 been at Veritox?</p> <p>19 A It's a she. Longer than I have.</p> <p>20 Q Do you have any notes pertaining to your</p> <p>21 calculations in that regard?</p> <p>22 A No, I don't believe so.</p> <p>23 Q Were there drafts of efforts to do the</p> <p>24 calculations?</p> <p>25 MR. ZELLERS: Objection.</p>	<p style="text-align: right;">Page 280</p> <p>1 section of your report.</p> <p>2 A The -- this section of my report was an</p> <p>3 inhalation -- an exercise to understand the</p> <p>4 inhalation concentrations in order to relate that</p> <p>5 to the heavy asbestos exposures of the</p> <p>6 occupational cohorts.</p> <p>7 Q So did you do -- did you ever consider</p> <p>8 or assume that talcum powder, with all of its</p> <p>9 constituents including asbestos, and -- or the</p> <p>10 potential for asbestos and heavy metals, did you</p> <p>11 ever assume that talcum powder does reach the</p> <p>12 ovaries in any of your calculations?</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 THE WITNESS: So I guess -- let me read</p> <p>15 the question.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q You want me to try to restate it --</p> <p>18 reask it?</p> <p>19 A Yeah. Yeah, if you would reask it.</p> <p>20 Q Okay. Assume that talcum powder with</p> <p>21 all its constituents reach -- reaches the ovaries,</p> <p>22 have you done any calculations that are relevant</p> <p>23 to the amount that reaches the ovary?</p> <p>24 MR. ZELLERS: Objection. Form.</p> <p>25 THE WITNESS: So I guess I still don't</p>
<p style="text-align: right;">Page 279</p> <p>1 Are the calculations part of the report</p> <p>2 or are they separate?</p> <p>3 THE WITNESS: Yeah, they're -- they're</p> <p>4 in the report.</p> <p>5 MR. ZELLERS: Okay. Then I'm going to</p> <p>6 instruct her not to talk about drafts as they're</p> <p>7 drafts that are part of the report.</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Were you asked by J&J to make this</p> <p>10 calculation prior to being engaged as an expert?</p> <p>11 A No.</p> <p>12 Q Have you published on findings</p> <p>13 estimating airborne exposure to asbestos with talc</p> <p>14 use?</p> <p>15 A No.</p> <p>16 Q Did you consider exposure through</p> <p>17 perineal application and migration through the</p> <p>18 upper genital tract as another route of exposure?</p> <p>19 MR. ZELLERS: Objection. Form.</p> <p>20 THE WITNESS: So that's pretty -- that's</p> <p>21 a pretty general statement. In my report I did</p> <p>22 consider perineal application -- the potential for</p> <p>23 perineal application and migration.</p> <p>24 BY MR. MEADOWS:</p> <p>25 Q Well, I'm talking in the context of this</p>	<p style="text-align: right;">Page 281</p> <p>1 understand the hypothetical.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Well, all of these calculations that</p> <p>4 you've done, they've been done in the context of</p> <p>5 airborne exposure, right?</p> <p>6 A This section was an exercise in the</p> <p>7 inhalation exposure to compare that to inhalation</p> <p>8 exposures of asbestos.</p> <p>9 Q And you -- have you done any -- is there</p> <p>10 a section in here that considers calculations</p> <p>11 based on perineal application?</p> <p>12 A So in order to understand the potential</p> <p>13 dose from perineal application, you'd have to make</p> <p>14 a lot of assumptions that the data do not support.</p> <p>15 So I did not do that.</p> <p>16 Q With respect to airborne analysis, what</p> <p>17 method did you use to calculate -- calculate</p> <p>18 airborne concentrations?</p> <p>19 A So the method I used to do potential</p> <p>20 airborne calculations was to review studies that</p> <p>21 had consumers that had used talc products and</p> <p>22 measured airborne concentrations of talc itself,</p> <p>23 pure talc, the talc that's contained in the baby</p> <p>24 powder, and then I used those concentrations with</p> <p>25 the maximum concentrations that -- again, the</p>

<p style="text-align: right;">Page 282</p> <p>1 maximum concentration that Drs. Longo and Rigler 2 had reported in any one bottle of Johnson's Baby 3 Powder or Shower to Shower. 4 Q Going back to your calculations. Were 5 there any calculations that were done or at least 6 undertaken but not included in the report? 7 A No. 8 Q What is the background level of 9 anthophyllite? 10 MR. ZELLERS: Objection. Form. 11 THE WITNESS: So I addressed the 12 background level of asbestos. 13 BY MR. MEADOWS: 14 Q Well, did you look at the background 15 levels of the different types of asbestos? 16 A So the background level of asbestos 17 includes all types of asbestos. 18 Q Specifically anthophyllite, did you look 19 at that? 20 MR. ZELLERS: Objection. Form. 21 THE WITNESS: So I would -- if you want 22 to pull out the publication that I used to -- 23 BY MR. MEADOWS: 24 Q No, I didn't ask you that. I just asked 25 you if you looked at the background level of</p>	<p style="text-align: right;">Page 284</p> <p>1 the baby powder as it existed in the bottle, and 2 the evidence between exposure to the baby powder 3 or the shower and shower -- Shower to Shower and 4 its propensity to cause ovarian cancer. 5 BY MR. MEADOWS: 6 Q So my question is, do you have any 7 opinions regarding the presence of fibrous talc in 8 baby powder? 9 MR. ZELLERS: Objection. Form. 10 THE WITNESS: So, again, I just -- I 11 evaluated what was in the baby powder bottles and 12 the Shower to Shower that had been used in the 13 marketplace. 14 BY MR. MEADOWS: 15 Q Do you know what fibrous talc is? 16 A I do. 17 Q Is fibrous talc found in baby powder? 18 MR. ZELLERS: Objection. Form. 19 Foundation. 20 THE WITNESS: So I -- to be honest, I 21 evaluated the powder that existed in the bottle, 22 and probably better -- one of the other experts in 23 this matter would be better accustomed or better 24 versed to tell you the -- the makeup of the powder 25 that was in the bottles that I evaluated.</p>
<p style="text-align: right;">Page 283</p> <p>1 anthophyllite. 2 A I'm just saying I -- I can't remember 3 off the top of my head. I'd have to look at that 4 publication to make that distinction. 5 Q So if you did do it, it would be 6 reflected in your report? 7 MR. ZELLERS: Objection. Form. 8 THE WITNESS: Again, I'd have to look at 9 that publication to understand the -- the 10 intricacies of your question. 11 BY MR. MEADOWS: 12 Q What's the background level of 13 tremolite? 14 MR. ZELLERS: Same objection. Form. 15 THE WITNESS: So there's different types 16 of tremolite. There's tremolite and then there's 17 tremolite asbestos. The background -- I reported 18 the asbestos concentration as background -- as 19 general asbestos. 20 BY MR. MEADOWS: 21 Q Do you have any opinions regarding the 22 presence of fibrous talc in baby powder -- powder 23 or Shower to Shower? 24 MR. ZELLERS: Objection. Form. 25 THE WITNESS: So my analysis looked at</p>	<p style="text-align: right;">Page 285</p> <p>1 BY MR. MEADOWS: 2 Q So you evaluated some powders in -- in 3 bottles? 4 A So I evaluated the evidence for the 5 products that were used by the consumers. No, I 6 didn't personally evaluate any powder. 7 Q Okay. So who do I need to talk to that 8 you're referring to? 9 A So, Dr. Dyar, Dr. Wylie, I read their 10 reports. 11 Q You defer to them on whether there's 12 fibrous talc in baby powder? 13 A So again, my opinion, this is based on 14 the scientific dataset that exists for the baby 15 powder products that are on the market. 16 Q But you don't have an opinion one way or 17 the other as to whether or not there's fibrous 18 talc in baby powder as you sit here today? 19 MR. ZELLERS: Objection. Form. 20 THE WITNESS: So I don't want to 21 speculate. That's not part of my report and it's 22 not part of my opinions. 23 BY MR. MEADOWS: 24 Q Well, I'm not asking you to speculate on 25 what your opinion is. All I'm -- all I'm asking</p>

<p style="text-align: right;">Page 286</p> <p>1 is, do you have an opinion one way or the other as</p> <p>2 you sit here today as to whether or not baby</p> <p>3 powder has fibrous talc in it?</p> <p>4 MR. ZELLERS: Objection. Form.</p> <p>5 THE WITNESS: Again, I evaluated the</p> <p>6 product that was in the bottle.</p> <p>7 BY MR. MEADOWS:</p> <p>8 Q And you determined there is or is not</p> <p>9 fibrous talc in the bottle?</p> <p>10 A So I de- -- I looked at the scientific</p> <p>11 evidence of the material that was in the bottle to</p> <p>12 cause -- perineal use of the material that was in</p> <p>13 the bottle to cause ovarian cancer.</p> <p>14 Q Would you agree with me or would you</p> <p>15 agree that chromium is listed as a known human</p> <p>16 carcinogen by NTP and IARC?</p> <p>17 MR. ZELLERS: Objection. Form.</p> <p>18 THE WITNESS: So when we talk about</p> <p>19 chromium, you need to be specific as to the -- the</p> <p>20 form that you're specifying.</p> <p>21 BY MR. MEADOWS:</p> <p>22 Q Well, would you agree with me that</p> <p>23 chromium, regardless of its form, is -- is listed</p> <p>24 as a known human carcinogen by NTP and IARC?</p> <p>25 MR. ZELLERS: Objection. Form.</p>	<p style="text-align: right;">Page 288</p> <p>1 concluded that chromium 6 is a Group 1 carcinogen.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q The only way you could confirm if it's</p> <p>4 carcinogenic to the ovary would be to expose it to</p> <p>5 the ovary, right?</p> <p>6 MR. ZELLERS: Objection. Form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: That's not how</p> <p>9 carcinogenicity studies occur.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Well, it would be unethical to put a</p> <p>12 carcinogen in a human, wouldn't it?</p> <p>13 MR. ZELLERS: Objection. Form,</p> <p>14 foundation.</p> <p>15 THE WITNESS: When I test or when</p> <p>16 toxicologists test for carcinogenic action, we use</p> <p>17 animal models, which is what was done with</p> <p>18 chromium.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q Yep. And so in order to make a</p> <p>21 determination as to whether or not it's</p> <p>22 specifically carcinogenic to the ovary, then you</p> <p>23 would have to subject it to the ovary to make that</p> <p>24 final determination, wouldn't you?</p> <p>25 MR. ZELLERS: Objection. Form.</p>
<p style="text-align: right;">Page 287</p> <p>1 THE WITNESS: Again, I do know that</p> <p>2 valance state -- we need to discern the valence</p> <p>3 state that you're talking about chromium.</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q How about positive 6, is it listed as a</p> <p>6 known human carcinogen by NTP and IARC?</p> <p>7 A Chromium 6 is a known carcinogen listed</p> <p>8 as a Group 1 carcinogen by IARC.</p> <p>9 Q If you go to page 50 of your report.</p> <p>10 Under the section of "Chromium Key Opinions," you</p> <p>11 say: "No association has been found between</p> <p>12 chromium and ovarian cancer in humans or animals."</p> <p>13 Did I read that correctly?</p> <p>14 A Correct.</p> <p>15 Q Are you saying that chromium is not</p> <p>16 carcinogenic?</p> <p>17 MR. ZELLERS: Objection. Form.</p> <p>18 Misstates the evidence.</p> <p>19 THE WITNESS: That's not what I said.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q You agree that IARC and NTP have found</p> <p>22 chromium to be carcinogenic, correct?</p> <p>23 MR. ZELLERS: Objection. Form.</p> <p>24 Misstates the evidence.</p> <p>25 THE WITNESS: So IARC has found -- has</p>	<p style="text-align: right;">Page 289</p> <p>1 Foundation.</p> <p>2 THE WITNESS: So in carcinogenicity</p> <p>3 studies, in cancer studies, we dose animals and</p> <p>4 evaluate all organs for effects. There's systemic</p> <p>5 doses of the test article, like chromium 6, to the</p> <p>6 animals, and then we evaluate where in the animal,</p> <p>7 which organs are affected, and it depends on the</p> <p>8 test article which organs are affected.</p> <p>9 BY MR. MEADOWS:</p> <p>10 Q Do you agree that cobalt is listed as a</p> <p>11 possible human carcinogen by IARC?</p> <p>12 A So IARC has different carcinogenicity</p> <p>13 ratings based on what type of cobalt the exposure</p> <p>14 is to.</p> <p>15 Q Right. And specifically, cobalt is</p> <p>16 listed as a possible human carcinogen by IARC and</p> <p>17 as being reasonably anticipated to be a human</p> <p>18 carcinogen by NTP, right?</p> <p>19 MR. ZELLERS: Objection. Form,</p> <p>20 foundation.</p> <p>21 THE WITNESS: Cobalt metal without</p> <p>22 tungsten carbide is possibly carcinogenic by IARC,</p> <p>23 a Group 2B. Cobalt sulfate and other soluble</p> <p>24 cobalts(II) salts are possibly carcinogenic to</p> <p>25 humans as determined by IARC. In other words,</p>

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<p>1 Group 2B. And cobalt metal with tungsten 2 carbon -- carbide is probably carcinogenic to 3 humans as determined by IARC, and its 4 classification is Group 2A. 5 BY MR. MEADOWS: 6 Q Nickel, page 62 of your report, and you 7 say: "No association has been found between 8 exposure to nickel and ovarian cancer in animals 9 or humans." Right? 10 A Yes, that's the statement. 11 Q Nickel is listed as a known human 12 carcinogen by IARC and by NTP, right? 13 MR. ZELLERS: Objection. Form. 14 Foundation. 15 THE WITNESS: So nickel compounds in 16 general are listed as a Group 1 carcinogenic to 17 humans by R -- by IARC. 18 BY MR. MEADOWS: 19 Q All right. 20 THE WITNESS: Is now a good time for a 21 break or -- 22 MR. MEADOWS: If you need a break, 23 that's fine. 24 THE WITNESS: Is that okay? 25 MR. MEADOWS: Sure. Sure.</p>	<p>1 Q Okay. Now, I want to go to 2 Dr. Crowley's report. 3 (Counsel conferring.) 4 MR. MEADOWS: Give us just a minute. 5 We've gotten some -- I think some typos here that 6 have me confused. 7 Okay. All right. 8 BY MR. MEADOWS: 9 Q So with respect -- with reference to 10 Dr. Crowley, I want to ask you some questions 11 about that, and I have Dr. Crowley's report here, 12 which I assume you've read, right? 13 A I have read his report. 14 Q You spent a lot of time responding to 15 his report, right? 16 A So I critiqued the methods that he used 17 in his report. 18 Q So now we're -- you're willing to use 19 the word "critique"? 20 A Well -- 21 MR. ZELLERS: Objection. Form. 22 BY MR. MEADOWS: 23 Q Okay. I like the word "critique" 24 because I think that's exactly what you did -- 25 A Well --</p>
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<p>1 THE VIDEOGRAPHER: The time is 4:40 p.m. 2 We're going off the record. 3 (Recess.) 4 THE VIDEOGRAPHER: The time is 5:00 5 p.m., and we're back on the record. 6 BY MR. MEADOWS: 7 Q All right. We'll go back to your 8 report, page 87. 9 Go down here to -- under "Science-based 10 Concerns." "Opinions by some of plaintiffs' 11 experts that any exposure to a carcinogen can 12 cause cancer are not consistent with generally 13 accepted methods used by toxicologists to analyze 14 and assess risk to human health." 15 And then under that -- let's see here. 16 Make sure I'm in the right place. Okay. Sorry. 17 "A number of plaintiffs' experts, 18 including Dr. Crowley, take the position that it 19 would suffice to establish that talcum powder or 20 its alleged constituents are carcinogenic because 21 any exposure to a carcinogen can cause cancer, but 22 this position lacks scientific support. 23 Carcinogens exist everywhere." 24 That's what you said, right? 25 A That -- you read my report correctly.</p>	<p>1 MR. ZELLERS: Well, hold on. There's no 2 question. 3 BY MR. MEADOWS: 4 Q -- as opposed to respond. 5 MR. ZELLERS: No question. 6 BY MR. MEADOWS: 7 Q So, yes, you did spend a lot of time 8 critiquing Dr. Crowley's report, along with a 9 number of the other experts. 10 And that's what you did here when you 11 said: "A number of plaintiffs' experts, including 12 Dr. Crowley, take the position that it would be -- 13 it would suffice to establish that talcum powder 14 or its alleged constituents are carcinogenic 15 because any exposure to a carcinogen can cause 16 cancer, but this position lacks scientific 17 support. Carcinogens exist everywhere." 18 Right? That's what you said. Yes, you 19 said that? 20 MR. LOCKE: Objection. 21 THE WITNESS: So I -- I'm not clear if 22 there was a question or if I'm just agreeing with 23 what -- what you said my report said. 24 BY MR. MEADOWS: 25 Q Yeah, that's what I just read. I just</p>

<p style="text-align: right;">Page 294</p> <p>1 read from your report.</p> <p>2 A I know, but you started by saying</p> <p>3 something else. That's why I was trying to read</p> <p>4 the monitor.</p> <p>5 Q Okay. All right. Well, suffice to --</p> <p>6 let's read this again. I want to make sure we're</p> <p>7 on the same page.</p> <p>8 A Okay.</p> <p>9 Q You say in your report, it's up on the</p> <p>10 screen: "A number of plaintiffs' experts,</p> <p>11 including Dr. Crowley, take the position that it</p> <p>12 would suffice to establish that talcum powder or</p> <p>13 its alleged constituents are carcinogenic because</p> <p>14 any exposure to a carcinogen can cause cancer, but</p> <p>15 this position lacks scientific support.</p> <p>16 Carcinogens exist everywhere."</p> <p>17 You said that, correct?</p> <p>18 A You read that correctly, yes.</p> <p>19 Q Okay. Actually, I want to go -- I want</p> <p>20 to go to what Dr. Crowley actually says in his</p> <p>21 report.</p> <p>22 A Can I have a copy, please?</p> <p>23 Q Well, it's up there on the screen.</p> <p>24 MR. ZELLERS: Well, she needs a copy if</p> <p>25 she's going to address questions.</p>	<p style="text-align: right;">Page 296</p> <p>1 carcinogenicity of these products."</p> <p>2 Did I read that correctly?</p> <p>3 A Yes, you did read that correctly.</p> <p>4 (Counsel conferring.)</p> <p>5 BY MR. MEADOWS:</p> <p>6 Q Okay. I'm being told we need to mark --</p> <p>7 we need to mark this. So let's mark it as</p> <p>8 Exhibit 17.</p> <p>9 (Moore Exhibit No. 17 was marked</p> <p>10 for identification.)</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q There you go. And that's Dr. Crowley's</p> <p>13 report.</p> <p>14 A Thank you.</p> <p>15 Q We're going to get this question and</p> <p>16 exchange off the ground here shortly. It's a long</p> <p>17 taxi, but we're getting there.</p> <p>18 Okay. So Dr. Crowley actually says:</p> <p>19 "Accordingly, in my opinion, the fragrance</p> <p>20 chemicals in the Johnson & Johnson talcum powder</p> <p>21 products contribute to the inflammatory</p> <p>22 properties, toxicity, and potential</p> <p>23 carcinogenicity of these products."</p> <p>24 Did I read that correctly?</p> <p>25 A You did read that correctly.</p>
<p style="text-align: right;">Page 295</p> <p>1 MR. MEADOWS: Can we have his report?</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Looky there, we killed a tree for you.</p> <p>4 A Thank you.</p> <p>5 MR. ZELLERS: And I'm sorry, do you have</p> <p>6 another or -- you don't want to take them all back</p> <p>7 anyway. Thank you.</p> <p>8 THE WITNESS: Do you have to put a</p> <p>9 number on this one or --</p> <p>10 MS. TUCKER: No. That's okay.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q All right. So we're on page 65 of</p> <p>14 Dr. Crowley's report.</p> <p>15 It says: "Accordingly" --</p> <p>16 MR. ZELLERS: Hold on. Hold on.</p> <p>17 THE WITNESS: Hold on a second. I want</p> <p>18 to get there.</p> <p>19 All right.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q There?</p> <p>22 "Accordingly, in my opinion, the</p> <p>23 fragrance chemicals in the Johnson & Johnson</p> <p>24 talcum powder products contribute to the</p> <p>25 inflammatory properties, toxicity and potential</p>	<p style="text-align: right;">Page 297</p> <p>1 Q So do you disagree with Dr. Crowley's</p> <p>2 opinion that the fragrance chemicals added to the</p> <p>3 powder can contribute to the inflammatory</p> <p>4 properties?</p> <p>5 MR. ZELLERS: Objection. Form.</p> <p>6 THE WITNESS: So I think -- can you just</p> <p>7 restate that question one more time?</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q Yeah. My question is, do you disagree</p> <p>10 with Dr. Crowley's opinion that the fragrance</p> <p>11 chemicals added to the powder could contribute to</p> <p>12 the inflammatory properties of the powder?</p> <p>13 MR. ZELLERS: Objection. Form.</p> <p>14 THE WITNESS: So that question assumes</p> <p>15 that there are inflammatory properties of the</p> <p>16 powder.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Okay. So you disagree with</p> <p>19 Dr. Crowley's statement, I assume because you</p> <p>20 don't think that there are any inflammatory</p> <p>21 properties; is that right?</p> <p>22 MR. ZELLERS: Objection. Form.</p> <p>23 THE WITNESS: So I think that it's</p> <p>24 important to understand dose when we're evaluating</p> <p>25 different situations and chemicals and potential</p>

<p style="text-align: right;">Page 298</p> <p>1 toxicities.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Okay. You think that Dr. Crowley</p> <p>4 disagrees with that?</p> <p>5 MR. ZELLERS: Form, foundation</p> <p>6 objection.</p> <p>7 THE WITNESS: I don't understand what --</p> <p>8 BY MR. MEADOWS:</p> <p>9 Q And I don't understand your response. I</p> <p>10 mean, I just simply asked you if you disagreed</p> <p>11 with Dr. Crowley's opinion that the fragrance</p> <p>12 chemicals added to the powder could contribute to</p> <p>13 the inflammatory properties of -- of the powder.</p> <p>14 So what's your answer to that?</p> <p>15 MR. ZELLERS: Objection. Form.</p> <p>16 THE WITNESS: So again, my answer to</p> <p>17 that is you have to understand dose as well assume</p> <p>18 that there is inflammatory properties to</p> <p>19 contribute to.</p> <p>20 BY MR. MEADOWS:</p> <p>21 Q Okay. So what do you -- what do you</p> <p>22 assume are not assumed with regard to the</p> <p>23 inflammatory properties?</p> <p>24 MR. ZELLERS: Objection. Form, vague.</p> <p>25 THE WITNESS: So can you restate that?</p>	<p style="text-align: right;">Page 300</p> <p>1 not?</p> <p>2 A Okay. So I guess I'm confused with the</p> <p>3 state -- the statements that you're having me</p> <p>4 agree or disagree to. I thought we were just</p> <p>5 discussing the skin --</p> <p>6 Q Yeah, and I -- let's try this again,</p> <p>7 because I -- I feel like my question is pretty</p> <p>8 simple, but I feel like you're taking me to</p> <p>9 something else that has to do with dose. I hadn't</p> <p>10 asked you anything about dose.</p> <p>11 So my question is, do you disagree with</p> <p>12 Dr. Crowley's opinion that fragrance chemicals</p> <p>13 added to the powder could contribute to the</p> <p>14 inflammatory properties of the powder?</p> <p>15 MR. ZELLERS: Objection. Form, asked</p> <p>16 and answered.</p> <p>17 THE WITNESS: Again, that statement has</p> <p>18 to incorporate dose in order to evaluate it.</p> <p>19 BY MR. MEADOWS:</p> <p>20 Q Well, are you aware that, irre- --</p> <p>21 irrespective of what CIR says -- because I know</p> <p>22 you're getting hung up on the case-control thing</p> <p>23 that's in that paragraph -- irrespective of that,</p> <p>24 are you aware of the fact that it is not</p> <p>25 recommended that baby powder be used on open skin</p>
<p style="text-align: right;">Page 299</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q Well, what do you assume or not assume</p> <p>3 regarding the inflammatory properties of -- of</p> <p>4 baby powder?</p> <p>5 MR. ZELLERS: Same objection.</p> <p>6 THE WITNESS: So I've evaluated the</p> <p>7 literature in this regard, and at high enough</p> <p>8 doses, you get a foreign body reaction to the</p> <p>9 talcum powder.</p> <p>10 BY MR. MEADOWS:</p> <p>11 Q Okay. And we know that powder -- that</p> <p>12 baby powder should not be on open -- used on an</p> <p>13 open -- open skin or a wound, right?</p> <p>14 MR. ZELLERS: Objection. Form,</p> <p>15 foundation, asked and answered.</p> <p>16 THE WITNESS: Again, I'd have to</p> <p>17 evaluate those -- the -- the article, the sentence</p> <p>18 that we -- the one sentence that we evaluated</p> <p>19 attributed that statement to case -- case reports,</p> <p>20 and I would have to evaluate those case reports to</p> <p>21 understand what the dose was in that setting.</p> <p>22 BY MR. MEADOWS:</p> <p>23 Q No, but you agreed when we were having</p> <p>24 that discussion of the CIR report, CIR finding,</p> <p>25 that -- that talc can cause granulomas, did you</p>	<p style="text-align: right;">Page 301</p> <p>1 or a wound?</p> <p>2 MR. ZELLERS: Objection.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Are you aware of that?</p> <p>5 MR. ZELLERS: Form, foundation.</p> <p>6 THE WITNESS: You'd have to show me that</p> <p>7 document, and I can evaluate that.</p> <p>8 (Counsel conferring.)</p> <p>9 (Moore Exhibit No. 18 was marked</p> <p>10 for identification.)</p> <p>11 BY MR. MEADOWS:</p> <p>12 Q Let me show you what I marked as</p> <p>13 Exhibit 18.</p> <p>14 Are you familiar with the -- the baby</p> <p>15 powder bottle?</p> <p>16 A In general, that's in the baby powder</p> <p>17 bottle.</p> <p>18 Q Well, did you look at the baby powder</p> <p>19 bottle at all when you were preparing your report?</p> <p>20 A So again, my task here was to evaluate</p> <p>21 the scientific evidence and the dataset that</p> <p>22 exists between perineal use of talc, use of talc</p> <p>23 and development of ovarian cancer.</p> <p>24 Q Yeah, and my question is simply, did you</p> <p>25 look at the baby powder bottle as a part of your</p>

<p style="text-align: right;">Page 302</p> <p>1 efforts to prepare your report? Either you did or 2 you didn't. I'm just asking if you did. 3 MR. LOCKE: Objection. 4 THE WITNESS: So I evaluated the 5 scientific data that -- that was germane to my 6 report. I -- there was -- I mean, I can't say if 7 I did or if I did not review specifically the baby 8 powder bottle in reference to this case. 9 BY MR. MEADOWS: 10 Q Okay. Well, did you read all of 11 Dr. Plunkett's report? 12 A It's been a long time. I read through 13 it. I don't know if I read every word or not. 14 Q Did you read all of the materials that 15 Dr. Plunkett cited to in support of her report? 16 A Are you talking about every reference 17 that she cited in her report? 18 Q Yeah. 19 A I don't know if I read every one. I 20 didn't go one by one. We can go one by one and 21 compare it to my list if you'd like. 22 Q Did you read all of Dr. Crowley's 23 report? 24 A I did read Dr. Crowley's report. I 25 don't know if I read every page of the references</p>	<p style="text-align: right;">Page 304</p> <p>1 Q Okay. Well, I didn't ask you anything 2 about dose. I'm just asking you, were you aware 3 that children can have breathing problems from 4 inhaling baby powder? 5 MR. ZELLERS: Form, foundation 6 objection. 7 THE WITNESS: So -- 8 BY MR. MEADOWS: 9 Q Were you aware of it or not? I mean 10 that's all I'm asking. 11 MR. ZELLERS: Same objections. Give her 12 a chance to answer, please. 13 THE WITNESS: I was aware that the 14 hazard for inhalation of particles exists, yes. 15 BY MR. MEADOWS: 16 Q Next sentence -- 17 A As long as there's enough dose, it's 18 treated as a hazard. 19 Q Next sentence. 20 A A risk. 21 Q "Avoid contact with eyes." 22 Why would that be significant? 23 A So these are warning labels on -- on the 24 label. I'm not a warnings expert. I don't know 25 what the -- what the rationale is for that label.</p>
<p style="text-align: right;">Page 303</p> <p>1 and appendix and things, but -- sorry, of the 2 appendices. I didn't mean references. 3 Q Exhibit 18 is a compilation of pictures 4 of various body powders. The first one is baby 5 powder. 6 Were you aware before looking at this 7 that the ingredients to baby powder are talc and 8 fragrance? 9 A I was aware that those are the 10 ingredients. 11 Q And there's a section next to the baby 12 with an X or the face with an X over the mouth. 13 It says "Warning." Do you see that? 14 A I can see where it says that. 15 Q "Keep powder away from child's face to 16 avoid inhalation, which can cause breathing 17 problems." 18 Were you aware that children can have 19 breathing problems as a result of inhaling baby 20 powder? 21 MR. ZELLERS: Objection. Form, 22 foundation. 23 THE WITNESS: So this again, this gets 24 towards dose. 25 BY MR. MEADOWS:</p>	<p style="text-align: right;">Page 305</p> <p>1 Q So in your studies of the potential ill 2 effects of baby powder, you haven't run across any 3 literature that might shed any light on why that 4 warning would be on there? 5 MR. ZELLERS: Hold on. Form, foundation 6 objection. 7 THE WITNESS: Yeah, I can speculate, 8 based on my general knowledge of particles, why 9 those warnings would be on there, but it would be 10 a lot nicer to see the documentation that supports 11 those -- why those warnings were put on there. 12 BY MR. MEADOWS: 13 Q I'm not asking you to speculate, but as 14 a toxicologist, I just -- maybe it's not your area 15 of expertise. But -- but I would assume a 16 toxicologist would know why a substance could 17 cause problems with various parts of the body, 18 especially if they've been studying it for the 19 last couple of months and getting paid for it. 20 What -- do you not know why that would 21 be a problem to get baby powder in your eyes? 22 MR. ZELLERS: Objection. Form. 23 Foundation. Argumentative. 24 THE WITNESS: Again, I'd be speculating 25 as to the exact reasons these warnings were put</p>

<p style="text-align: right;">Page 306</p> <p>1 on. They're preventative warnings or based on 2 scientific data. I -- I would need the scientific 3 data to see why those labels were put on there. 4 Otherwise, it would be pure speculation or guess, 5 and that's not what I'm here today to do. 6 BY MR. MEADOWS: 7 Q The next sentence says: "For external 8 use only." 9 Did I read that correctly? 10 A Yes. 11 Q What would baby powder do if it was used 12 internally? 13 MR. ZELLERS: Objection. Form. 14 Foundation. 15 THE WITNESS: Again, that's a pretty 16 generic question. So specifically, where 17 internally? What is the dose internally? It's a 18 lot of generalization in that question. 19 BY MR. MEADOWS: 20 Q Mm-hmm. Well, do you think that that 21 admonition or that warning "For external use only" 22 has anything to do with the CIR comments about not 23 allowing baby powder to be used on an exposed 24 dermal? 25 MR. ZELLERS: Objection to form.</p>	<p style="text-align: right;">Page 308</p> <p>1 and the scientific literature, to evaluate -- to 2 come to my conclusions that are spelled out in my 3 report. 4 And I'm happy to discuss each one of 5 those studies, and we can go through it as to why 6 or why not it may apply to one of these warning 7 labels. But without knowledge of the criteria 8 that the manufacturer used in putting these 9 warning labels on the bottle, it would be complete 10 speculation to guess. 11 BY MR. MEADOWS: 12 Q Are you aware that there are other 13 products on the market now that provide a warning 14 regarding ovarian cancer? 15 A No, I did not know that. 16 Q Let's look at a couple of them. Next 17 page. 18 Angel of Mine Baby Powder. Are you 19 familiar with that product? 20 A No, I've never heard of it. 21 Q If you go down here, it says: "This 22 product contains talcum powder." 23 A Wait. Where are we? 24 Q Down here (indicating). 25 A Oh, I see. Okay.</p>
<p style="text-align: right;">Page 307</p> <p>1 BY MR. MEADOWS: 2 Q Or -- or an area -- 3 MR. ZELLERS: Sorry. 4 BY MR. MEADOWS: 5 Q -- that does not have a dermal barrier? 6 MR. ZELLERS: Objection. Form. 7 Foundation. Speculation. 8 THE WITNESS: So these are warnings that 9 the manufacturer put on based on a set of criteria 10 that -- that we're not evaluating here today. I'd 11 need to see those set of criteria and the 12 scientific data that support those decisions that 13 were made to put those warning labels on the 14 bottle. 15 BY MR. MEADOWS: 16 Q Well, as a toxicologist, isn't it 17 important for you to understand potential toxicity 18 of -- of whatever you're studying at the time, 19 regardless of -- of where it's applied and how 20 much it's applied? 21 MR. ZELLERS: Same objections. Form, 22 foundation. 23 THE WITNESS: So I evaluated the 24 scientific dataset for Johnson's Baby Powder and 25 Shower to Shower, the studies that are available</p>	<p style="text-align: right;">Page 309</p> <p>1 Q It has a similar warning. "Keep out of 2 reach of children. For external use only. Avoid 3 contact with eyes. Discontinue use if irritation 4 persists. Avoid ingestion or accidental 5 inhalation by baby." 6 This -- and then it says in bold: "This 7 product contains talcum powder and it is intended 8 for external use only. Frequent application of 9 talcum powder in the female genital area may 10 increase the risk of ovarian cancer." 11 Did I read that correctly? 12 A I believe you read that correctly, yes. 13 Q Have you ever seen that before? 14 A So I hadn't seen this product before, 15 and I had not seen the label before. And I do not 16 know, again, what the criteria the manufacturer 17 used in developing this warning label. 18 In my -- in my review of the scientific 19 dataset, scientific dataset does not support that 20 talcum powder use in the perineal region is a 21 cause of ovarian cancer. 22 Q The next one, next page is called 23 "Shower and Bath." And this one has a warning 24 that says: "This product contains talcum powder 25 and is intended for external use only. Frequent</p>

<p style="text-align: right;">Page 310</p> <p>1 application of talcum powder in the female genital 2 area may increase the risk of ovarian cancer." 3 Do you see that? 4 A Yes, you read that correctly from the 5 label. 6 Q It's different from the Johnson's Baby 7 Powder labels, isn't it? 8 A Well -- 9 MR. ZELLERS: Objection -- hold on. 10 Objection. Form. 11 Go ahead. 12 THE WITNESS: Well, again, I do not know 13 what the criteria was for the manufacturer to 14 decide to put this label on the -- onto the powder 15 bottle. 16 What I can say is the scientific dataset 17 does not support that there's a causal association 18 or that perineal use of ovarian -- sorry. I can 19 say that scientific -- the scientific dataset does 20 not support a causal relationship between the 21 perineal use of talc, talcum products, and the 22 development of ovarian cancer. 23 BY MR. MEADOWS: 24 Q If you go down on this under 25 "Ingredients," it talks about ingredients being --</p>	<p style="text-align: right;">Page 312</p> <p>1 nose and mouth. Medical evidence suggests that 2 women who use talcum powder as a feminine hygiene 3 product run a greater risk of developing ovarian 4 cancer." 5 Did I read that correctly? 6 A You did read that statement correctly. 7 Q There's -- 8 A But this -- this statement is internally 9 inconsistent. So again, I have no idea, you know, 10 what was the rationale for the manufacturer to put 11 on that statement. 12 Q And you said it earlier, you're not a 13 regulatory expert, right? Not a warnings expert? 14 A I do not know the regulations regarding 15 the warnings, but what I can say is -- and I 16 definitely don't know what -- what criteria they 17 used for this cautionary statement that's on here. 18 Q Mm-hmm. 19 A You know, they say, "For adult use 20 only," and then they include, "Keep powder away 21 from children's nose and mouth," like -- so, 22 again, I don't know what the review process was, 23 what the scientific dataset was that they used to 24 make up that caution statement or that they added 25 to that label.</p>
<p style="text-align: right;">Page 311</p> <p>1 this one has talc and cornstarch. 2 Were you aware that some body powders 3 contain cornstarch? 4 A Yes, some body -- I was aware that some 5 body powders contain cornstarch. 6 Q And have you looked at the 7 carcinogenicity capacity for cornstarch? 8 A So what I said is I evaluated the 9 scientific dataset for Johnson's Baby Powder and 10 Shower to Shower. 11 Q Okay. Well, I understand that's what 12 you evaluated for your report. I'm asking you if 13 you've ever looked at the carcinogenicity for 14 cornstarch. 15 A I have not done a comprehensive 16 literature review or assessment of cornstarch. 17 Q Then there's one more here, I think. I 18 think the last one here is a foot powder. One 19 more body powder on here. 20 Next page. This is Spring Fresh Poudre 21 Talco. And it's -- it's got talc in it. And a 22 caution down here. "For adult use only. Keep out 23 of reach of children. If the product enters the 24 eye, wash out thoroughly with plenty of clean 25 water. Keep powder away from children's mouth --</p>	<p style="text-align: right;">Page 313</p> <p>1 Q Now, to make sure I'm clear, I know you 2 have not offered opinions as a regulatory expert 3 in this case, but I want to make sure I have an 4 understanding. Do you have -- you didn't claim 5 expertise in -- in regulatory matters earlier. Do 6 you have expertise in regulatory matters? 7 A So that's a pretty broad term. 8 Q Cosmetics. Do you have expertise in the 9 regulation of cosmetics? 10 A Just in -- in the realm of a 11 toxicologist. 12 Q But you don't know anything about when a 13 warning is triggered -- a warning requirement is 14 triggered in the cosmetic context? 15 MR. ZELLERS: Form, foundation 16 objection. 17 THE WITNESS: So, no, I wouldn't know 18 that. 19 BY MR. MEADOWS: 20 Q Okay. Going back to Dr. Crowley's 21 opinion. Do you disagree with Dr. Crowley's 22 opinion that the fragrance chemicals added to the 23 powder could contribute to the toxicity of the 24 powder? 25 MR. ZELLERS: Objection to form.</p>

<p style="text-align: right;">Page 314</p> <p>1 THE WITNESS: Could you just state that</p> <p>2 again in a different manner?</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Yeah. Do you disagree with</p> <p>5 Dr. Crowley's opinion that the fragrance chemicals</p> <p>6 added to the powder could contribute to the</p> <p>7 toxicity of the powder?</p> <p>8 MR. ZELLERS: Same objection.</p> <p>9 THE WITNESS: So Dr. Crowley's</p> <p>10 methodology that he used to assess the fragrance</p> <p>11 ingredients did not assess dose, and that is a</p> <p>12 critical component in any toxicological</p> <p>13 assessment. So I disagree with the methods that</p> <p>14 he used in a -- in reaching any conclusions.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Do you disagree with Dr. Crowley's</p> <p>17 opinion that the fragrance chemicals added to the</p> <p>18 powder could contribute to the potential</p> <p>19 carcinogenicity of the powder?</p> <p>20 MR. ZELLERS: Object to form.</p> <p>21 THE WITNESS: So again, I said what I</p> <p>22 disagreed with -- what I disagree with Dr. Crowley</p> <p>23 is the methodology that he used to generate his</p> <p>24 opinions that -- because he did not assess dose in</p> <p>25 any of his opinions, in any of his methods that he</p>	<p style="text-align: right;">Page 316</p> <p>1 toxicological principle.</p> <p>2 A Okay.</p> <p>3 Q Applying general principles of</p> <p>4 toxicology, is it acceptable or a good practice to</p> <p>5 add fragrance chemicals to baby powder that do not</p> <p>6 have an established governmental or industry</p> <p>7 standard?</p> <p>8 MR. ZELLERS: Objection. Form.</p> <p>9 Foundation.</p> <p>10 THE WITNESS: So the reason I'm having</p> <p>11 problems with that statement is the -- the way</p> <p>12 that Dr. Crowley identified the industrial</p> <p>13 standards that he applied in his report were</p> <p>14 flawed.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Applying general -- excuse me --</p> <p>17 applying general principles of toxicology, is it</p> <p>18 acceptable or a good practice to add a substance</p> <p>19 to baby powder that is prohibited as a fragrance</p> <p>20 chemical and is not permitted for use on the body?</p> <p>21 MR. ZELLERS: Objection. Form.</p> <p>22 Foundation.</p> <p>23 THE WITNESS: Well, again, if we look</p> <p>24 at -- can we look at my report for the fragrance</p> <p>25 that Dr. Crowley references that's prohibited?</p>
<p style="text-align: right;">Page 315</p> <p>1 used to generate his opinions, and so his methods</p> <p>2 were flawed.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Applying general principles of</p> <p>5 toxicology -- -cology -- let me start again.</p> <p>6 Remember that cold I told you about earlier? It's</p> <p>7 catching up to me.</p> <p>8 Applying general principles of</p> <p>9 toxicology, is it acceptable and a good practice</p> <p>10 to add fragrance chemicals to baby powder that do</p> <p>11 not have an established governmental or industry</p> <p>12 standard?</p> <p>13 MR. ZELLERS: Objection. Form,</p> <p>14 foundation.</p> <p>15 THE WITNESS: So I guess I don't</p> <p>16 understand -- which -- which bullet point are you</p> <p>17 now referencing?</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q I'm just talking about Dr. Crowley's</p> <p>20 opinions, generally.</p> <p>21 A Generally?</p> <p>22 Q Yeah.</p> <p>23 A So generally, I think we need to look</p> <p>24 at -- at my report to assess the ingredients.</p> <p>25 Q Well, all I asked you is a general</p>	<p style="text-align: right;">Page 317</p> <p>1 Because he was actually incorrect in his methods</p> <p>2 to evaluate the fragrance chemicals.</p> <p>3 BY MR. MEADOWS:</p> <p>4 Q Well, mine is just a general principle</p> <p>5 question.</p> <p>6 Applying general principles of</p> <p>7 toxicology, is it acceptable or a good practice to</p> <p>8 add a substance to baby powder that is prohibited</p> <p>9 as a fragrance chemical and is not permitted for</p> <p>10 use in the body?</p> <p>11 MR. ZELLERS: Objection. Form,</p> <p>12 foundation, asked and answered.</p> <p>13 THE WITNESS: Again, we'd have to --</p> <p>14 Dr. Crowley's -- his -- the entire reason he</p> <p>15 generated that statement was because he identified</p> <p>16 a chemical using flawed methodology.</p> <p>17 BY MR. MEADOWS:</p> <p>18 Q Applying general principles of</p> <p>19 toxicology, is it acceptable or a good practice to</p> <p>20 add a substance to baby powder that is not</p> <p>21 permitted for fragrance or flavor use?</p> <p>22 MR. ZELLERS: Objection. Form,</p> <p>23 foundation.</p> <p>24 THE WITNESS: Again, Dr. Crowley</p> <p>25 identified the ingredient that we're talking about</p>

<p style="text-align: right;">Page 318</p> <p>1 in this exchange based on flawed methodology.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q Applying general principles of</p> <p>4 toxicology, is it acceptable or a good practice to</p> <p>5 add a substance to baby powder that is not</p> <p>6 permitted for cosmetic use by the FDA?</p> <p>7 MR. ZELLERS: Objection. Form.</p> <p>8 Foundation.</p> <p>9 THE WITNESS: Again, the substance that</p> <p>10 we're speaking of was identified by Dr. Crowley</p> <p>11 using scientifically flawed methodology.</p> <p>12 BY MR. MEADOWS:</p> <p>13 Q Applying general principles of</p> <p>14 toxicology, is it acceptable or a good practice to</p> <p>15 add a substance to baby powder that is not a</p> <p>16 fragrance, does not have an IFR standard, and is</p> <p>17 not listed by CIR?</p> <p>18 MR. ZELLERS: Objection. Form.</p> <p>19 Foundation.</p> <p>20 THE WITNESS: So you'd have to evaluate</p> <p>21 each substance independently. And again, you</p> <p>22 know, each -- Dr. Crowley's methodology was flawed</p> <p>23 when he identified many substances that he</p> <p>24 characterized -- and I'm sorry, I don't know what</p> <p>25 the IFR standard is.</p>	<p style="text-align: right;">Page 320</p> <p>1 THE WITNESS: Again, I would have to</p> <p>2 evaluate each chemical independently. This is a</p> <p>3 esoteric question, so...</p> <p>4 BY MR. MEADOWS:</p> <p>5 Q What was flawed about his methodology</p> <p>6 with respect to these questions?</p> <p>7 A So he -- well, we can go through his</p> <p>8 report.</p> <p>9 Q Well, if you want to look and tell me,</p> <p>10 if looking at your report will refresh your</p> <p>11 recollection about what was flawed about his</p> <p>12 methodology with respect to adding these</p> <p>13 substances to baby powder, then go right ahead.</p> <p>14 MR. ZELLERS: Objection. Form. Asked</p> <p>15 and answered.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q You seem to be insinuating that he was</p> <p>18 using the wrong chemical in his methodology. But</p> <p>19 maybe I'm wrong in my assumption.</p> <p>20 A (Peruses document.)</p> <p>21 Q Go ahead.</p> <p>22 A So for myroxylon pereirae, the Balsam</p> <p>23 Peru oil, on page 79 of my report, this is my</p> <p>24 criticism.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 319</p> <p>1 BY MR. MEADOWS:</p> <p>2 Q You're not familiar with the IFR</p> <p>3 standard -- IFRA standard, you're not familiar --</p> <p>4 A The IFR -- the IFRA standard, yeah.</p> <p>5 Q You're not -- you're not familiar --</p> <p>6 A Sorry, I am.</p> <p>7 Q You are familiar.</p> <p>8 A I am familiar with -- so you're talking</p> <p>9 about the International Fragrance Association</p> <p>10 standards? That -- can we spell out the acronym,</p> <p>11 please?</p> <p>12 Q Sure. Is that what it is?</p> <p>13 A Is that -- I'm asking you.</p> <p>14 Q Yeah.</p> <p>15 MR. ZELLERS: Objection. Vague.</p> <p>16 Ambiguous.</p> <p>17 (Counsel conferring.)</p> <p>18 BY MR. MEADOWS:</p> <p>19 Q Applying general principles of</p> <p>20 toxicology, is it acceptable or a good practice to</p> <p>21 add a substance to baby powder that's not</p> <p>22 permitted in cosmetics according to the Cosmetic</p> <p>23 Ingredient Review Expert Panel?</p> <p>24 MR. ZELLERS: Objection. Form.</p> <p>25 Foundation.</p>	<p style="text-align: right;">Page 321</p> <p>1 A So he ascertains that this -- it's</p> <p>2 called Balsam Peru oil, if that's okay, is</p> <p>3 prohibited by the International Fragrance</p> <p>4 Association for use as a fragrance ingredient.</p> <p>5 And so that was incorrect.</p> <p>6 In his search, he failed to recognize</p> <p>7 the difference -- that there were actually two</p> <p>8 different Balsam Peru extractor distillates in --</p> <p>9 in this, and that they shared the same cast</p> <p>10 number.</p> <p>11 So that's what I was describing earlier</p> <p>12 when -- with the prohibited substance involvement</p> <p>13 in -- potentially in -- added to the fragrance</p> <p>14 material that was added to Johnson & Johnson.</p> <p>15 Q Okay. So you're saying that his</p> <p>16 methodology was flawed because he misidentified</p> <p>17 Balsam Peru oil as a -- a banned fragrance</p> <p>18 chemical.</p> <p>19 A That was one of the problems.</p> <p>20 Q Okay. Were there other chemicals that</p> <p>21 he got wrong?</p> <p>22 A Well, I wouldn't say -- the</p> <p>23 methodology -- I wouldn't say that he got it</p> <p>24 wrong. The methodology that he used was not</p> <p>25 correct.</p>

<p style="text-align: right;">Page 322</p> <p>1 Q But my question is, were there other 2 chemicals other than the Balsam Peru oil that he 3 got wrong? 4 A Well, his -- 5 MR. ZELLERS: Objection. Form. 6 THE WITNESS: So -- let me just find -- 7 so in his -- so in his report, he identified 8 chemicals with IFRA standards as potential 9 concerns in the -- the baby powder, and then ones 10 without it were -- were not included. So he 11 missed the entire IFRA transparency list 12 evaluation in his report. 13 BY MR. MEADOWS: 14 Q All right. Dr. Carson. 15 MR. MEADOWS: Do you have that? 16 BY MR. MEADOWS: 17 Q I want to -- I think we're going to -- 18 make sure I'm right. 19 (Counsel conferring.) 20 BY MR. MEADOWS: 21 Q Okay. So page 83 of your report, you 22 say: "Because Dr. Carson did not consider the 23 nature and magnitude of doses associated with 24 human risk, his analysis is not consistent with 25 generally accepted scientific methodology."</p>	<p style="text-align: right;">Page 324</p> <p>1 It is also difficult to exactly estimate the 2 quantity of talcum powder administration during 3 personal hygiene activities. For studies that 4 attempted to determine amount of exposure, most 5 relied on a method of estimating the frequency of 6 application and/or duration of those practices, 7 then simply multiplying to reach a total number of 8 applications over time." 9 Did I read that correctly? 10 A You did read what he wrote correctly. 11 But he only has, you know, two 12 citations, so I don't know what his basis was for 13 all those statements. 14 Q Okay. Did you read those citations? 15 A I believe -- I'd have to look at my list 16 to -- and compare them to what he has specifically 17 referenced here. 18 Q So as -- 19 A I could do that. 20 Q -- you're sitting here today, you don't 21 know whether or not you looked at those citations 22 before you criticized him here? 23 MR. ZELLERS: Objection. Form. 24 Foundation. 25 THE WITNESS: Well, I -- I'm looking at</p>
<p style="text-align: right;">Page 323</p> <p>1 Did I read that correctly? 2 A Yes, you read that correctly. 3 Q Okay. So let's take a look at what 4 Dr. Carson actually said. 5 MR. MEADOWS: What exhibit are we? 6 MR. ZELLERS: 19. 7 (Moore Exhibit No. 19 was marked 8 for identification.) 9 BY MR. MEADOWS: 10 Q I hand you what I marked as Exhibit 19. 11 (Counsel conferring.) 12 BY MR. MEADOWS: 13 Q Okay. I think I finally found it, from 14 Dr. Carson's report. 15 "Numerous studies" -- 16 A Sorry, what page? 17 Q I'm sorry. Page 7 at the top. 18 Are you there, Dr. Moore? 19 A I am. Sorry. 20 Q "Numerous studies have interviewed women 21 regarding their personal practices of application 22 of talc-based powders to the perineal area. Due 23 to variations in these practices, it has been 24 difficult to estimate dose in order to evaluate 25 the dose-response relationship for ovarian cancer.</p>	<p style="text-align: right;">Page 325</p> <p>1 his statement, and he is saying that for studies 2 that attempted to determine the amount of -- most 3 relied on, so that -- that in itself, "most" means 4 there's more than -- there has to be more than two 5 studies evaluated if he has "most." At least one 6 out of -- or two out of three, that's what the 7 word "most" means to me. 8 BY MR. MEADOWS: 9 Q Okay. Let's turn over to page 9. Down 10 at the bottom. 11 "Although some studies have failed to 12 find evidence of a dose-response relationship, 13 several more recent reports have shown a clear 14 dose-response when the number of subjects rose to 15 a level producing sufficient statistical power to 16 allow the analysis after subdivision of subjects 17 into pertinent categorical groups and frequency 18 and duration were measured." And he cites to 19 Schildkraut, Cramer and Wu. 20 Did I read that correctly? 21 A So I believe you read that correctly. 22 MR. MEADOWS: How am I doing on time? 23 One minute? 24 MR. ZELLERS: Make it good. 25 MR. MEADOWS: Well, got a whole lot more</p>

<p style="text-align: right;">Page 326</p> <p>1 than one minute here.</p> <p>2 BY MR. MEADOWS:</p> <p>3 Q So I want to go back to Exhibit 2, which</p> <p>4 we identified this morning.</p> <p>5 A What was the name of that document?</p> <p>6 Q It's -- it's actually the e-mail that we</p> <p>7 got at 7 o'clock last night with your materials.</p> <p>8 MR. ZELLERS: Okay. I have a copy if</p> <p>9 you need it, so let's --</p> <p>10 THE WITNESS: Okay. Mine may be out of</p> <p>11 order.</p> <p>12 MR. ZELLERS: Let's just see what his</p> <p>13 question is.</p> <p>14 THE WITNESS: Okay. Or is out of order.</p> <p>15 BY MR. MEADOWS:</p> <p>16 Q Okay. So I want to flip over to this</p> <p>17 page up here --</p> <p>18 A I think I can find that in here.</p> <p>19 MR. ZELLERS: Do you see which page he</p> <p>20 is asking you about?</p> <p>21 THE WITNESS: I see generally, yeah,</p> <p>22 this document, right.</p> <p>23 BY MR. MEADOWS:</p> <p>24 Q It's entitled "Fragrance Ingredient" --</p> <p>25 A Yeah, I have it.</p>	<p style="text-align: right;">Page 328</p> <p>1 ascertain the maximum percentage of each fragrance</p> <p>2 ingredient in the formulated baby powder and</p> <p>3 Shower to Shower products.</p> <p>4 Q And where did all this data come from?</p> <p>5 A So the first column and the second</p> <p>6 column were from Exhibits 1, 2 and 3, "For</p> <p>7 attorneys eyes only." That's the only way that</p> <p>8 they were labeled when we received them. That's</p> <p>9 consistent with what Dr. Crowley had in his</p> <p>10 report, Exhibits 1, 2 and 3.</p> <p>11 And then -- so your question was how do</p> <p>12 we get to these? Sorry, I got lost.</p> <p>13 Q Yeah, well --</p> <p>14 MR. ZELLERS: What is the purpose of</p> <p>15 this document was the question.</p> <p>16 BY MR. MEADOWS:</p> <p>17 Q Well, I was asking where the data came</p> <p>18 from. I think.</p> <p>19 A Okay. Sorry.</p> <p>20 So that's where those first two columns</p> <p>21 came from. The 0.22 was derived from</p> <p>22 specification sheets and formulation sheets that</p> <p>23 we -- that we received -- that we asked for and</p> <p>24 received, as well as in the materials that we</p> <p>25 received from Dr. Crowley's list of cited</p>
<p style="text-align: right;">Page 327</p> <p>1 Q -- "Concentrations: Baby Powder."</p> <p>2 A I'm trying to find -- find the first</p> <p>3 page. Sorry.</p> <p>4 Okay, I'm with you.</p> <p>5 Q Okay. So what is this?</p> <p>6 A So this is a list of the fragrance</p> <p>7 ingredients from the Exhibit 1, 2 and 3 that --</p> <p>8 that's listed in my report, the "Attorneys' eyes</p> <p>9 only" document.</p> <p>10 And then we used the percent -- so -- so</p> <p>11 that's the first column and the second column.</p> <p>12 Then we used the -- the maximum percentage -- this</p> <p>13 first page is for baby powder, and so we used the</p> <p>14 maximum percentage that fragrance was in the baby</p> <p>15 powder, which was 0.22 in the records, to -- and</p> <p>16 then we -- we -- in response to the notice for</p> <p>17 deposition, we included this formula column.</p> <p>18 And then to show you how we derived this</p> <p>19 last column, which was the maximum that the</p> <p>20 ingredient on that row was calculated to be in the</p> <p>21 product, and in this case, the product is the baby</p> <p>22 powder, as referenced at the top of this page.</p> <p>23 Q And so what's the purpose of this</p> <p>24 document?</p> <p>25 A The purpose of this document is to</p>	<p style="text-align: right;">Page 329</p> <p>1 materials. And then -- so 25 percent times 0.22</p> <p>2 percent in the final product is 0.055. That's the</p> <p>3 product is the percentage.</p> <p>4 Q Did you prepare this chart?</p> <p>5 A I did.</p> <p>6 Q When?</p> <p>7 A So this chart was prepared when I</p> <p>8 prepared my report, and then last week or -- I</p> <p>9 forget the exact day, I added this formula</p> <p>10 calculation, because the notice said we had to</p> <p>11 have the formulas included in our calculations.</p> <p>12 Q And did you rely -- excuse me -- did you</p> <p>13 rely on the data in this table in reaching your</p> <p>14 opinions that are expressed in this report?</p> <p>15 A So these -- this dataset was used to</p> <p>16 evaluate the concentrations compared to the IFRA</p> <p>17 standards.</p> <p>18 Q Yeah, my question is, did you rely on</p> <p>19 the data in this table in reaching your opinions?</p> <p>20 A Well, we compared those to the IFRA</p> <p>21 standards to evaluate the concentrations.</p> <p>22 Q Well, I'm -- what do you mean by "we"?</p> <p>23 A Sorry, I did.</p> <p>24 Q Well, who were you referring to when you</p> <p>25 said "we"?</p>

<p style="text-align: right;">Page 330</p> <p>1 A I was -- I was thinking of the team 2 that helped review my document, the citation 3 checks. 4 Q All right. So one more time. Did you 5 rely on the data in the table in reaching your 6 opinions? 7 A Again, I don't know how to answer the 8 question. We used that -- this data to compare it 9 to the concentrations that were in the IFRA 10 standards. 11 Q Flip on over -- 12 MS. SHARKO: I'll just note for the 13 record that that exhibit has "Attorneys' eyes 14 only" on it, so it shouldn't be circulated 15 probably and should be treated appropriately 16 under the order. That is, it shouldn't be 17 circulated. 18 MR. ZELLERS: So those are -- 19 MR. MEADOWS: I couldn't hear you. You 20 trailed off on me. 21 They shouldn't be circulated what? 22 MS. SHARKO: Several of the attachments 23 to that last exhibit are marked "Attorneys' eyes 24 only," so it needs to be treated with a higher 25 level of protection. Exhibit 2.</p>	<p style="text-align: right;">Page 332</p> <p>1 A So again, the data in this table was 2 used to evaluate each -- the status of ingredients 3 against -- and it's written in my report, the 4 number of ingredients with IFRA transparency list 5 status and with RIFM reviews, and we also 6 discussed the IFRA standards. 7 So this was a worksheet that we used, 8 but all the opinions are in the report that are 9 represented in this table. 10 BY MR. MEADOWS: 11 Q All right. This is entitled "Review of 12 Metal Analysis Exhibits Cited in the Report of 13 Mark Krekeler." 14 Did I read that correctly? 15 A Yes, I believe so. 16 Q So what is this? 17 A So this was a summary that was -- of the 18 information regarding metal analyses that was in 19 the documents that we received -- let me see what 20 the -- I want to be precise here, what the name 21 of -- so we received another -- a number of 22 documents that were the "Krekeler documents cited 23 in the report - Johnson & Johnson," and the 24 "Krekeler documents cited in the report - 25 Imerys."</p>
<p style="text-align: right;">Page 331</p> <p>1 BY MR. MEADOWS: 2 Q So what is this chart that we're looking 3 at here? 4 A So this is similar to the other 5 document. It had the fragrance ingredient names 6 on the left. And then this is a compilation of 7 whether or not each ingredient was on the IFRA 8 transparency list. 9 And then part of our data review was to 10 evaluate each ingredient as to whether or not it 11 had a RIFM review. And I captured that 12 information on -- in this, I guess, second or 13 third column, however you count the columns. 14 And then for each ingredient name, was 15 there an IFRA standard, the type of standard that 16 was included, and then the limit that was 17 specified in each IFRA standard. 18 And then these last two columns came 19 from the previous file that we were -- I was just 20 speaking of, which was the maximum percentage of 21 each ingredient within baby powder or the Shower 22 to Shower ingred- -- products. 23 Q Did you -- well, did you rely on 24 this data in the table to reach opinions in this 25 case?</p>	<p style="text-align: right;">Page 333</p> <p>1 And so we wanted to -- or I wanted to 2 understand what -- what types of analyses existed 3 in that -- in those -- in the volumes of data that 4 were supplied in those two groupings that I just 5 described. 6 And so -- so this is a summary of the 7 analyses for chromium, cobalt and nickel that 8 could be gleaned from that dataset. 9 (Counsel conferring.) 10 MS. O'DELL: Why don't we go off the 11 record. 12 THE VIDEOGRAPHER: The time is 6:05 p.m. 13 We're going off the record. 14 (Pause.) 15 THE VIDEOGRAPHER: The time is 6:06 p.m. 16 We're back on the record. 17 MR. MEADOWS: All right. I think my 18 boss has something that we need to put on the 19 record. 20 MS. O'DELL: No further questions at 21 this time. 22 As we noted at the beginning of the 23 deposition, in light of the late production of 24 substantial analyses as well -- 25 THE REPORTER: I'm sorry?</p>

<p style="text-align: right;">Page 334</p> <p>1 MS. O'DELL: -- substantial analyses as 2 well as the additional reliance materials, which 3 were also quite significant, we will be discussing 4 additional time. 5 Assuming that we can't reach agreement, 6 we will let Judge Pisano decide. 7 MS. SHARKO: Okay. And we disagree with 8 your characterization, and we will reply to it. 9 MR. ZELLERS: Before we adjourn, I have 10 one question for Dr. Moore. 11 CROSS-EXAMINATION 12 BY MR. ZELLERS: 13 Q Dr. Moore, you were asked a number of 14 questions regarding asbestos, Johnson's Baby 15 Powder and Shower to Shower. 16 Do you stand by the statements in your 17 report? 18 A I do. 19 MR. ZELLERS: I have nothing else. 20 THE VIDEOGRAPHER: Okay. 21 MR. MEADOWS: All done. 22 THE VIDEOGRAPHER: The time is 6:07 p.m. 23 on April 4, 2019. 24 We're going off the record, completing 25 today's videotaped session.</p>	<p style="text-align: right;">Page 336</p> <p>1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER 2 The undersigned Certified Shorthand Reporter 3 does hereby certify: 4 That the foregoing proceeding was taken before 5 me at the time and place therein set forth, at 6 which time the witness was duly sworn; That the 7 testimony of the witness and all objections made 8 at the time of the examination were recorded 9 stenographically by me and were thereafter 10 transcribed, said transcript being a true and 11 correct copy of my shorthand notes thereof; That 12 the dismantling of the original transcript will 13 void the reporter's certificate. 14 In witness thereof, I have subscribed my name 15 this date: April 5, 2019. 16 17 _____ 18 LESLIE A. TODD, CSR, RPR 19 Certificate No. 5129 20 (The foregoing certification of 21 this transcript does not apply to any 22 reproduction of the same by any means, 23 unless under the direct control and/or 24 supervision of the certifying reporter.) 25</p>
<p style="text-align: right;">Page 335</p> <p>1 (Whereupon, the deposition of 2 H. NADIA MOORE, Ph.D. was 3 concluded at 6:07 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 337</p> <p>1 INSTRUCTIONS TO WITNESS 2 Please read your deposition over carefully and 3 make any necessary corrections. You should state 4 the reason in the appropriate space on the errata 5 sheet for any corrections that are made. 6 After doing so, please sign the errata sheet 7 and date it. 8 You are signing same subject to the changes 9 you have noted on the errata sheet, which will be 10 attached to your deposition. It is imperative 11 that you return the original errata sheet to the 12 deposing attorney within thirty (30) days of 13 receipt of the deposition transcript by you. If 14 you fail to do so, the deposition transcript may 15 be deemed to be accurate and may be used in court. 16 17 18 19 20 21 22 23 24 25</p>

H. Nadia Moore, Ph.D.

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1 ACKNOWLEDGMENT OF DEPONENT
2 I, _____, do hereby
3 certify that I have read the foregoing pages, and
4 that the same is a correct transcription of the
5 answers given by me to the questions therein
6 propounded, except for the corrections or changes
7 in form or substance, if any, noted in the
8 attached Errata Sheet.
9
10 _____
11 H. NADIA MOORE, Ph.D. DATE
12
13
14 Subscribed and sworn to
15 before me this
16 _____day of _____, 20____.
17 My commission expires: _____
18 _____
19 Notary Public
20
21
22
23
24
25